

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: CATHY CHARLES R.
 (Last) (First) (Middle Initial)

Prisoner Number: V-39913

Institutional Address: P.O. Box 5005
CALIPATRIA, CALIF. 92233-5005

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CHARLES RAY CATHY
 (Enter your full name.)

vs.

R. KUZMICK, M.S. THOMPSON

K. HOOD, K. LOVE, L. HALLOCK

W. REYNOLDS, K. OSBORNE, T. VILLARREAL,
 (Enter the full name(s) of the defendant(s) in this action.)
J. ROBERTSON.

CV 19 59327

Case No. _____
 (Provided by the clerk upon filing)

COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C. § 1983

FILED

SEP 23 2019

SUSAN Y. SOONG
 CLERK U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA

I. Exhaustion of Administrative Remedies.

Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

- A. Place of present confinement CALIPATRIA STATE PRISON C.D.C.R.
- B. Is there a grievance procedure in this institution? YES ☒ NO ☐
- C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐
- D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.
1. Informal appeal: _____
- _____
- _____

2. First formal level: PBSP-18-02607 BYPASSED / PBSP-18-00553 DENIED.

3. Second formal level: PBSP-18-02607 DENIED / PBSP-18-00553 GRANTED IN PART.

4. Third formal level: PBSP-18-02607 APPEAL IS DENIED / PBSP-18-00553 APPEAL IS DENIED.

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☒ NO ☐

F. If you did not present your claim for review through the grievance procedure, explain why.

II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

CHARLES RAY CATHY V-39913

P.O. Box 5005

CALIPATRIA, CALIF. 92233-5005

B. For each defendant, provide full name, official position and place of employment.

R. KUZMICH (MAILROOM SUPERVISOR) PELICAN BAY STATE PRISON, M. THOMPSON (MAILROOM OFFICIAL) PELICAN BAY STATE PRISON, K. HOOD (MAILROOM OFFICIAL) PELICAN BAY STATE PRISON, K. LOVE (MAILROOM PROCUREMENT AND SERVICE OFFICIAL) PELICAN BAY STATE PRISON, L. HALLOCK (MAILROOM OFFICIAL) PELICAN BAY STATE PRISON, K. GETZART (MAILROOM OFFICIAL) PELICAN

CONTINUATION OF II. PARTIES -2(A)-

1 bay state prison, C. PARRY (MAILROOM OFFICIAL)
2 PELICAN BAY STATE PRISON, D. SHORT (MAILROOM OFFICIAL)
3 PELICAN BAY STATE PRISON, W. REYNOLDS (PRISON LITIGA-
4 TION OFFICIAL) PELICAN BAY STATE PRISON, K. OSBORNE
5 (CORRECTIONAL ADMINISTRATOR BUSINESS SERVICES
6 MAILROOM) PELICAN BAY STATE PRISON, T. VILLARREAL
7 (MAILROOM PROCUREMENT AND SERVICE OFFICIAL)
8 PELICAN BAY STATE PRISON, J. ROBERTSON (WARDEN)
9 PELICAN BAY STATE PRISON.
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-2(A)-

III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

① ON THE FOLLOWING DATES 4/18/17, 10/18/17, 3/5/18, 3/13/18, 3/13/18, 3/20/18, 3/20/18, 3/27/18, 3/29/18, 11/14/18, 4/2/18, 4/11/18, 4/13/18, 7/9/18, 7/17/18, 11/14/18, 11/13/18, FED EX 8/2/18 LEGAL DOCUMENTS, AND PRISON LEGAL NEWS 1/12/17, 3/10/17, 4/7/17, 5/10/17, 6/13/17, 7/9/17, 7/28/17, 9/5/17, 12/11/17, 11/1/17, 12/8/17, 1/4/18 WITH THE POSSIBILITY OF THERE BEING MORE. DEFENDANTS NAMED HEREIN UNLAWFULLY CENSORED AT LEAST 31 PIECES OF LEGAL MAIL, BOOKS, MAGAZINES AND DID NOT PROVIDE PLAINTIFF WITH THE DUE PROCESS NOTICE OF THE CENSORSHIP PROCESS IN ORDER TO PROVIDE PLAINTIFF THE OPPORTUNITY TO A RIGHT TO APPEAL THEIR ACTIONS PRIOR TO OPENING, READING LEGAL MAIL, DESTROYING, AND BEFORE RETURNING TO SENDER AUTHORIZED CONFIDENTIAL LEGAL MAIL. ② ON 8/2/18

IV. Relief.

• CONTINUED ON PAGE - 3(B) - •

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

1) ISSUE A DECLARATORY JUDGMENT THAT THE DEFENDANTS ACTIVELY COMPLAINED OF HEREIN VIOLATED PLAINTIFFS RIGHTS UNDER THE U.S. CONSTITUTION AND AS OTHERWISE ALLEGED HEREIN. 2) AWARD PLAINTIFF MONETARY DAMAGES OF \$50,000.00 PER EACH DEFENDANT NAMED HEREIN, COMPENSATORY, AND PUNITIVE DAMAGES IN AN AMOUNT TO BE DETERMINED AT TRIAL. 3)

• CONTINUED ON PAGE - 3(A) - •

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on:

8/29/19
Date

Charles Ray Cech
Signature of Plaintiff

CONTINUATION OF III. STATEMENT OF CLAIM. "B"

1 PLAINTIFF WAS MAILED A BOX OF CONFIDENTIAL LEGAL DOCUMENTS
 2 AND OTHER LEGAL APPEAL CASE DOCUMENTS FROM HIS
 3 APPELLATE ATTORNEY JULIA M. YOUNG WHO IS A CALIFORNIA
 4 BAR LICENSED ATTORNEY. (3) SHE WAS NO LONGER PLAINTIFF'S
 5 ATTORNEY AND WAS ABSOLVING HERSELF OF ALL PLAINTIFF'S
 6 LEGAL DOCUMENTS, TRIAL TRANSCRIPTS, CASE EVIDENCE, AND
 7 OTHER APPEAL CASE DOCUMENTS. (4) AFTER A WEEK SHE THEN
 8 NOTIFIED PLAINTIFF BY MAIL SAYING "YOUR LEGAL BOX WAS
 9 RETURNED TO ME AS "UNAPPROVED". (SEE EXHIBIT "A" p.30) (5) I
 10 THEN PROMPTLY NOTIFIED MAILROOM OFFICIALS KUZMIEZ, THOMPSON
 11 REYNOLDS, OSBORNE, LOVE, AND VILLARREAL THAT PLAINTIFF HAD NOT
 12 RECEIVED A NOTIFICATION OF DISAPPROVAL PER C.D.C.R 1819 (REV. 4/16)
 13 (6) THIS IS A STANDARD POLICY PROCEDURE FOR DISAPPROVED MATERIAL
 14 OF ANY KIND. (7) I ALSO INFORMED OFFICIALS THAT I WAS ALLOWED
 15 TO RECEIVE THE BOX OF LEGAL DOCUMENTS AND THAT IT DID NOT
 16 PRESENT A SECURITY THREAT TO THE PENOLOGICAL INTEREST TO
 17 THE PRISON. (8) PLAINTIFF BEGAN SENDING INMATE REQUEST 22
 18 FORMS TO THE MAILROOM IN ORDER TO GET AN ACCURATE AND
 19 COMPLETE RESPONSE TO THE MANY VIOLATIONS OF PLAINTIFF'S LEGAL
 20 MAIL, P.L.N. MAGAZINES, DAYVIEW MAGAZINES, AND THE DISAPPROVAL
 21 OF HIS BOX OF CONFIDENTIAL LEGAL DOCUMENTS. (9) ON 2-23-18 OFFICIAL
 22 THOMPSON RESPONDED WITH (SEE SECTION "B" STAFF RESPONSE OF AN
 23 INMATE REQUEST FORM. (SEE EXHIBIT "B" p.32) AND PLAINTIFF'S
 24 RESPONSE THAT ATTORNEY J. YOUNG FED EXED PLAINTIFF A BOX
 25 PROPERLY ADDRESSED CONTAINING LEGAL DOCUMENTS AND IT HAD
 26 BEEN UNAPPROVED AND RETURNED TO HER. (10) ALSO ATTORNEY YOUNG
 27 TRIED TO CALL P.O.S.P MAILROOM TO GET AN OFFICIAL RESPONSE.
 28 (SEE EXHIBIT "A" p.30) (11) IN PLAINTIFF'S 602 (GRIEVANCE) PDSP-18-02

CONTINUATION OF III. STATEMENT OF CLAIM. "C"

607 FILED 9/2/18 IN THEIR SECOND LEVEL DECISION MAILROOM OFFICIALS SAID THAT R&R (RECEIVING AND RELEASE) SENT THE BOX CONTAINING PLAINTIFFS LEGAL DOCUMENTS BACK BECAUSE IT WAS NOT FROM AN APPROVED VENDOR (A SELLER OF GOODS) SO THEY RETURNED IT. (SEE 602 POSP-18-02607 P. 4) (12) THE BOX WAS CLEARLY MARKED LAW OFFICES OF JULIA M. YOUNG CONFIDENTIAL LEGAL MAIL WHEN IT WAS RECEIVED, SIGNED AND APPROVED BY K. LOVE WHEN IT WAS RECEIVED BY HIM BY FED EX ON THURSDAY 8/2/18 AT 2:36. (SEE EXHIBIT "A" P. 29) (13) MAILROOM K. LOVE IN HIS OFFICIAL CAPACITY IS AS A PROCUREMENT OFFICIAL IS TO ENSURE THAT LEGAL MAIL IS PROPERLY SCREENED AND PROCESSED. (SEE EXHIBIT "C" PAGES 37, 39, 41, 49, 52) AND HE AT LEAST 8 TIMES VIOLATED PLAINTIFFS RIGHTS TO DUE PROCESS. (14) THIS DOCUMENTED EVIDENCE CONTRADICTS THEIR OFFICIAL RESPONSE AT THE SECOND LEVEL DECISION 602 P.O.S.P-18-02607 P. 4 AND SHOWS A CONCENTRATED EFFORT WAS MADE TO COVER-UP THEIR CONDUCT. (15) PLAINTIFFS APPELLATE ATTORNEY CANNOT NOW BE REACHED AND PLAINTIFF HAS HAD TO FILE A BAR COMPLAINT ON HER CASE # 17-C-5590 AS A RESULT OF NOT BEING ABLE TO LOCATE THAT BOX OF LEGAL WORK. (16) NOW PLAINTIFF IS WITHOUT HIS CASE TRANSCRIPTS, APPEAL DOCUMENTS, AND OTHER PERTINENT DOCUMENTS NEEDED TO FURTHER HIS APPEAL EFFORTS IN ORDER TO CONTINUE HIS APPEAL OF HIS LIFE CONVICTION. (17) THIS PLACES PLAINTIFF IN AN SIGNIFICANT HARD-SHIP AS A RESULT OF PRISON OFFICIALS CENSORSHIP. (18) PLAINTIFF AS SPECIFIED IN HIS 602 POSP-18-02607 IS ENTITLED UNDER THE LAW TO RECEIVE CONFIDENTIAL LEGAL MATERIAL FROM ATTORNEYS, COURTS, FEDERAL OFFICIALS, AND OTHER ESTABLISHED LEGAL ENTITIES CONFIDENTIALLY. (19) MAILROOM OFFICIALS KURMICZ, THOMPSON, LOVE, HOOD, HALLOCK, GETZART, PARRY, SHORT, VILLARREAL, OSBORNE, AND ROBERT-

CONTINUATION OF III. STATEMENT OF CLAIM. ^{" "} D

SOM DEPRIVED PLAINTIFF OF HIS RIGHT TO BE PRESENT ON THE DATES SPECIFIED IN THIS COMPLAINT LETTERS, BOOKS, MAGAZINES SENT TO ME AT THOSE TIMES THAT MY MAIL WAS BEING EXAMINED. (SEE EXHIBIT "C" p. 41) (20) CLEARLY THESE DOCUMENTS, BOOKS, LETTERS, AND MAGAZINES ARE PROTECTED SPEECH AS WELL AS PLAINTIFF'S PROTECTED CONDUCT. (21) PLAINTIFF ALSO SHOWS IN HIS EXHIBITS THAT IN THE CASE OF MARGARET ROBINSON OF THE NATIONAL LEGAL PROFESSIONAL ASSOCIATES WAS STAMPED AND APPROVED AS AUTHORIZED CONFIDENTIAL LEGAL MAIL BY THESE MAILROOM OFFICIALS ON HER ENVELOPE DATED 3/12/18. (22) THEN A MONTH LATER WITH THE SAME ADDRESS AND ENVELOPE WAS NOT ACCEPTED AND PROCESSED AS CONFIDENTIAL LEGAL MAIL. (SEE EXHIBIT "C" p. 57) (23) INSTEAD ITS CONTENTS WERE OPENED AND READ WITHOUT PLAINTIFF BEING PRESENT. (24) PLAINTIFF NOTIFIED THE PRISON LITIGATION OFFICER W. REYNOLDS OF THIS ILLEGAL CONDUCT SO THAT SHE WAS AWARE OF WHAT WAS HAPPENING TO PLAINTIFF. (SEE EXHIBIT "D" p. 67) (25) PLAINTIFF REPEATEDLY ENGAGED WITH MAILROOM OFFICIAL KUZMICH IN TRYING TO FIND OUT WHY HIS LEGAL MAIL WAS NOT BEING PROCESSED ACCORDING TO THE LAW. (SEE EXHIBIT "E" p. 70) (26) THESE MAILROOM OFFICIALS WERE SO BLATANT IN THEIR INTENSE CAMPAIGN OF CENSORSHIP AGAINST PLAINTIFF THAT THEY EVEN CENSORED A DEPARTMENT OF JUSTICE OFFICIAL MS. TIFFANY JOHNSON (DEPUTY ATTORNEY GENERAL) LEGAL MAILING TO ME. (27) PLAINTIFF WAS NOTIFIED BY HER OF WHAT HAD OCCURRED WITH A COPY OF THE ENVELOPE WITH THE RETURN-TO-SENDER FINGER STAMPED THAT IT HAD BEEN REFUSED BY ADDRESSEE. (SEE EXHIBIT "F" p. 78) (28) THE DEPUTY ATTORNEY GENERAL DID NOT KNOW WHY HER LETTER TO PLAINTIFF WAS RETURNED. (29) CLEARLY IN READING HER RESPONSE SHE SAID "FOR SOME ODD REASON." (30) THUS CONTRADICTING WHAT MAILROOM OFFICIAL THOMPSON TOLD PLAINTIFF. (SEE EXHIBIT "F" p. 77) (31) MAILROOM OFFICIALS CONTINUED TO INTERFERE WITH PLAINTIFF'S CONSTITUTIONAL RIGHTS TO RECEIVE

CONTINUATION OF III. STATEMENT OF CLAIM "E"

LEGAL MAGAZINES AND BOOKS ON 6/24/15, 9/17/15, 12/12/17, 1/25/18 AND 3/29/18
 PLAINTIFF RECEIVED NOTICE FROM PRISON LEGAL NEWS THAT THEY HAD BEEN
 STOPPING HIS SUBSCRIPTIONS ON A MONTHLY BASIS AND THEY WERE NOT BEING
 RECEIVED BY PLAINTIFF. (SEE EXHIBIT "G" p.83) (32) MAILROOM OFFICIAL VILLARREAL
 ON AT LEAST "2" OCCASIONS VIOLATED PLAINTIFF'S RIGHT TO RECEIVE LETTERS
 AND MAGAZINES FROM HUMAN RIGHTS DEFENSE WHICH IS A BRANCH OF PRISON
 LEGAL NEWS. (SEE EXHIBIT "G" p.89) (33) THIS CENSORSHIP WAS ALSO CARRIED OUT
 BY MAILROOM OFFICIALS. (SEE 602 LOG# POSP-18-CO553 p.21) (34) PLAINTIFF WAS
 REPEATEDLY NOTIFIED BY GENERAL COUNSEL (LAWYER) S. P. NEELAKANTA THAT
 HIS LEGAL NEWS MAGAZINES WAS BEING CENSORED BY MAILROOM
 OFFICIALS. (SEE EXHIBIT "G" p.83) (35) PELICAN BAY OFFICIALS ARE WELL AWARE
 OF THIS LEGAL ORGANIZATION BECAUSE THEY HAVE BEEN SUED BY HUMAN
 RIGHTS DEFENSE/P.L.N FOR CENSORSHIP IN THE PAST. (SEE EXHIBIT "G" p.87)
 (36) AND THAT'S ONE REASON WHY THEY (PRISON OFFICIALS) FAILED TO DELIVER,
 REFUSED TO DELIVER THESE MAGAZINES AND RETALIATED AGAINST ITS
 DELIVERY TO PLAINTIFF. (37) MAILROOM OFFICIALS MOOD, HALLOCK, PARRY, AND
 SHORT KNEW THAT THIS WAS PROTECTED SPEECH. (SEE EXHIBIT ⁶⁰² ~~101~~ p.21)
 (38) MAILROOM OFFICIALS KUZMICH AND THOMPSON WOULD COME TO THE RECRE-
 ATION YARD IN AN ACT OF INTIMIDATION AND CONFRONT PLAINTIFF FOR EXERCISING
 HIS RIGHTS AND ABOUT THE INMATE REQUEST FORM 22'S THAT HE HAD
 SENT THEM TO RESPOND TO CONCERNING THE VIOLATIONS OF THIS LAWSUIT.
 (SEE "H" p.92) (39) IN DOING SO IN THE PRESENCE OF SECURITY YARD OFFICERS
 WHO THEN WOULD RETALIATE BY HARASSING PLAINTIFF. (40) OFFICERS
 WOULD PUT PLAINTIFF UP AGAINST THE FENCE FOR A SO-CALLED "PAT
 DOWN" (SEARCH). (41) ON 11/13/17 PLAINTIFF MAILED OUT A CONFIDENTIAL
 LEGAL LETTER THAT NIGHT. (42) THE NEXT DAY IT WAS RETURNED TO PLAIN-
 TIFF WITH THE POSTAGE STAMP RIPPED OFF THE ENVELOPE WITH A WRITTEN
 RESPONSE FROM MAILROOM OFFICIAL KUZMICH TELLING PLAINTIFF ITS

CONTINUATION OF III. STATEMENT OF CLAIM "F"

1 AGAINST THE LAW TO SEND USED STAMPS FOR MAILING. (SEE
 2 EXHIBIT "H" p.93) (43) PLAINTIFF RESPONDED ON A INMATE REQUEST
 3 22 FORM " THAT THE STAMP WAS A BRAND NEW STAMP AND THAT
 4 A MAILROOM OFFICIAL HAD INTENTIONALLY RIPPED THAT
 5 STAMP BECAUSE OF THE PATTERN OF THE TEAR. (SEE EXHIBIT "H" p.92)
 6 (44) SHE (KUZMICK) THEN REPLACED THE STAMP ON 12/6/17 DUE
 7 TO STAFF ERROR. (SEE EXHIBIT "H" p.94) (45) DEFENDANT KUZMICKS
 8 IS AWARE BEING A MAILROOM SUPERVISOR THAT THEIR CONDUCT
 9 WAS UNCONSTITUTIONAL AND PLAINTIFF WAS PROTECTED BY
 10 THE FIRST AND FOURTEENTH AMENDMENT. (46) PLAINTIFFS FAMILIES
 11 PERSONAL MAIL WAS TARGETED ALSO FOR CENSORSHIP.
 12 (SEE EXHIBIT "I" p.98) (47) THESE ARE PRISON OFFICIALS WHO
 13 HAVE A RECORDED HISTORY THAT DATES BACK DECADES OF
 14 ABUSING PRISONERS AND THEIR RIGHTS. (SEE EXHIBIT "J" p.100,101)
 15 (48) AND THESE VIOLATIONS CONSTITUTES IRREPARABLE HARM
 16 TO PLAINTIFF.

CONTINUATION OF IV RELIEF. 3 (A) -

1 AWARD PLAINTIFF THE COST OF THE SUIT. 4) GRANT PLAINTIFF
2 SUCH OTHER RELIEF AS THE COURT DEEMS JUST AND PROPER.
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- 3 (A) -

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

THIRD LEVEL APPEAL DECISION

Date: JAN 28 2019

In re: Charles Cathy, V39913
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233

TLR Case No.: 1815541

Local Log No.: PBSP-18-02607

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner W. Sinkovich. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that the Pelican Bay State Prison (PBSP) mailroom inappropriately sent a box of legal paperwork back to the appellant's attorney and did not notify him with a CDCR 1819 Notification of Disapproved Mail form. Appellant further contends this was done to obstruct his access to legal materials for appeals and other legal matters. Appellant is requesting dismissal of all involved staff and financial compensation.

II SECOND LEVEL'S DECISION: The reviewer found that the box in question was not sent to the mailroom because it was not clearly marked as legal mail. The box was received at the warehouse and sent to Receiving & Release (R&R) because it was assumed to be a package from a vendor. R&R sent the box back to the warehouse because it was not from an approved vendor to be returned to the sender. The Second Level of Review (SLR) advised the appellant to have his attorney resend the package to the institution and clearly mark the box as legal mail for processing through the mailroom. The appeal was denied at the SLR.

III THIRD LEVEL DECISION: Appeal is denied.

A. FINDINGS: After considering the evidence and arguments presented to the Third Level of Review (TLR), it has been determined that the institution acted appropriately on the appellant's appeal issue. The appellant did not receive a CDCR form 1819 because the PBSP mailroom did not process the box. There is no evidence or compelling argument that staff acted to intentionally deny the appellant's appeal and legal rights. The appellant has failed to support his appeal issue with sufficient evidence or facts to warrant a modification of the reviewer's decision at the SLR. The Examiner at the TLR has carefully considered all of the documents and information provided as well as weighing the impact of current laws, policies and procedures in formulating a decision. Financial compensation is outside of the scope of the appeals process. In review of the above, no relief is warranted at the TLR.

B. BASIS FOR THE DECISION: California Code of Regulations, Title 15, Section: 3001, 3084.1, 3084.7, 3130, 3134

C. ORDER: No changes or modifications are required by the Institution.

CHARLES CATHY, V39913

CASE NO. 1815541

PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.



W. SINKOVICH, Appeals Examiner
Office of Appeals



M. VOONG, Chief
Office of Appeals

cc: Warden, CAL
Appeals Coordinator, CAL
Appeals Coordinator, PBSP

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

1815541



V39913

IAB USE ONLY

Institution/Parole Region:

Log #:

Category:

PBSP-B-18-02607

FOR STAFF USE ONLY

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):

CDC Number:

Unit/Cell Number:

Assignment:

CATHY, CHARLES R.

V-39913

B3-109

State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

"REJECTED LEGAL PAPERWORK" / MISCONDUCT

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): IN VIOLATION OF 3136(A)(B), 3141(A)(B)(C)(3)(L), 3145(A) I HAVE A DUE PROCESS RIGHT TO REVIEW AND TO RECEIVE NOTIFICATION TO EXCLUDE MY INCOMING LEGAL MAIL. MAILROOM R. KURMICK, THOMPSON, REYNOLDS,

B. Action requested (If you need more space, use Section B of the CDCR 602-A): DISMISSAL OF ALL OFFICIALS INVOLVED DUE TO FEDERAL VIOLATIONS AND TO BE FINANCIALLY COMPENSATED. SEP 05 2018

Supporting Documents: Refer to CCR 3084.3.

☒ Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

ATTORNEY J.M. YOUNG LETTER

FEDEX PROOF OF DELIVERY #1820877

INMATE REQUEST 22 FORM

20082

☐ No, I have not attached any supporting documents. Reason: SEP 05 2018

Inmate/Parolee Signature: Charles R. Cathy

Date Submitted: 9/2/18

☐ By placing my initials in this box, I waive my right to receive an interview.

C. First Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☒ Yes ☐ No

This appeal has been:

☐ Bypassed at the First Level of Review. Go to Section E. RC☒ Rejected (See attached letter for instruction) Date: SEP 18 2018☐ Cancelled (See attached letter) Date: _____☐ Accepted at the First Level of Review.

Assigned to: _____

Title: _____

Date Assigned: _____

Date Due: _____

First Level Responder: Complete a First Level response. Include interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: _____

Interview Location: _____

Your appeal issue is: ☐ Granted ☐ Granted in Part ☒ Denied ☐ Other: _____

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: _____

(Print Name)

Title: _____

Signature: _____

Date completed: _____

Reviewer: _____

(Print Name)

Title: _____

Signature: _____

Date received by AC: _____

AC Use Only

Date mailed/delivered to appellant ____/____/____

Pelican Bay State Prison
Sent to the
SEP 05 2018
Process as Non-Review
Appeals Office

Pelican Bay State Prison
SEP 21 2018
Appeals Office

REC BY OOA

NOV - 1 2018

-6-

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

BYPASS

Inmate/Parolee Signature: _____

Date Submitted: _____

E. Second Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☐ Yes ☐ No

This appeal has been:

☐ By-passed at Second Level of Review. Go to Section G.☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____☐ Cancelled (See attached letter)☒ Accepted at the Second Level of ReviewAssigned to: BS CS Title: AW Date Assigned: 9/26/18 Date Due: 11/2/18

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: 10/16/18 Interview Location: Deer Room B FacilityYour appeal issue is: ☐ Granted ☐ Granted in Part ☒ Denied ☐ Other: _____

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: CHEN Title: 1158T Signature: [Signature] Date completed: 10/16/18Reviewer: Bell Title: CSW Signature: [Signature]Date received by AC: OCT 26 2018

AC Use Only

Date mailed/delivered to appellant: OCT 26 2018

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

IM DISSATISFIED WITH 2ND LEVEL RESPONSE IT IS NOT TRUE AND INACCURATE
WHAT HAS BEEN WRITTEN AS TO THEIR FINDINGS. MY LONG TIME LAWYER
HAS BEEN SENDING ME LEGAL MAIL FOR YEARS TO THESE PRISONS SHE
KNOWS THE INCOMING LEGAL MAIL PROCEDURES THAT AN ATTORNEY
IS REQUIRED IN ADDRESSING LEGAL MAIL ON ENVELOPES OR OTHER ITEMS

Inmate/Parolee Signature: Charles Ray Gentry Date Submitted: 10/29/18

G. Third Level - Staff Use Only

This appeal has been:

☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____☐ Cancelled (See attached letter) Date: _____☒ Accepted at the Third Level of Review. Your appeal issue is ☐ Granted ☐ Granted in Part ☒ Denied ☐ Other: _____

See attached Third Level response.

Third Level Use Only

Date mailed/delivered to appellant: FEB 11 2019

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because; State reason. (If withdrawal is conditional, list conditions.)

Inmate/Parolee Signature: _____ Date: _____

Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR-0602-A (REV. 03/12)


DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY	Institution/Parole Region:	Log #:	Category: 10
1815541	PBSP-B-18-02607		
	FOR STAFF USE ONLY		

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): CATHY, CHARLES R.	CDC Number: V-39913	Unit/Cell Number: B3-109	Assignment: 
<p>A. Continuation of CDCR 602, Section A only (Explain your issue): K. OSBORNE, K. LOVE, VILLARREAL, HALLOCK, AND T. ROBERTSON ET AL. ON 8/18/18 DENIED ACCEPTANCE OF A BOX CONTAINING MY LEGAL PAPERWORK AND RETURNED IT TO MY ATTORNEY J.M. YOUNG AS "NOT APPROVED". I DID NOT RECEIVE A NOTIFICATION OF DISAPPROVAL CDCR 1819 (REV. 01/16) STATING WHY IT WAS DISALLOWED. THE DENIAL OF THESE LEGAL ITEMS DID NOT REPRESENT A SECURITY THREAT TO THE PENOLOGICAL INTEREST OF THIS PRISON. THIS WAS DONE TO OBSTRUCT APPELLANTS ACCESS TO MY LEGAL MATERIAL FOR POST-CONVICTION APPEALS AND OTHER LEGAL MATTERS. I AM ENTITLED TO RECEIVE CONFIDENTIAL LEGAL MAIL FROM THE COURTS, LAWYERS, FEDERAL OFFICIALS, STATE OFFICIALS, AND OTHER ESTABLISHED LEGAL CORRESPONDENTS. THIS IS A PATTERN OF DELIBERATE INDIFFERENCE, AND ALSO A BAD-FAITH PATTERN BY MAILROOM PRISON STAFF. I WAS NOTIFIED OF THIS INCIDENT VIA UNITED POSTAL SERVICE LEGAL MAIL CONFIDENTIAL ENVELOPE STAMPED AUG 29, 18. SEP 05 2018 ATTACHED IS FEDEX RECEIPT TRACKING 7820859 20082 AS EVIDENCE THAT PROVES THAT MY ATTORNEY YOUNG SENT MY LEGAL PAPERWORK (SEE ATTACHED LETTER) IT FEDEX WAS SIGNED FOR BY LOVE.</p>			<p>Pelican Bay State Prison</p> <p>SEP 05 2018</p> <p>Appeals Office</p> <p>Pelican Bay State Prison</p> <p>SEP 21 2018</p> <p>Appeals Office</p> <p>SEP 05 2018</p> <p>REC BY OOA</p> <p>NOV - 1 2018</p>
<p>Inmate/Parolee Signature: <u>Charles Ray Cathy</u></p>			<p>Date Submitted: <u>9/2/18</u></p>

B. Continuation of CDCR 602, Section B only (Action requested):

SEP 05 2018

Inmate/Parolee Signature: _____

Date Submitted: _____

INMATE/PAROLEE APPEAL FORM ATTACHMENT

CDCR-0602-A (REV. 03/12)

Side 2

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response):

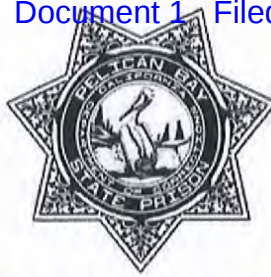
Inmate/Parolee Signature: _____

Date Submitted: _____

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response): SUCH AS BOXES THAT SHE SENDS ME. THEY ARE CLEARLY MARKED LEGAL ALONG WITH HER NAME AND BUSINESS ADDRESS. ATTORNEY AT LAW IN BOLD LETTERING.

Inmate/Parolee Signature: Charles Ray Cathey

Date Submitted: 10/24/18



**PELICAN BAY STATE PRISON
SECOND LEVEL REVIEW**

DATE: **OCT 26 2018**

Inmate CATHY, V39913
Pelican Bay State Prison
Facility B, Unit 3, Cell 109

RE: WARDEN'S LEVEL DECISION
APPEAL LOG NO. PBSP-B-18-02607

APPEAL: DENIED
ISSUE: LEGAL

This matter was reviewed by Jim Robertson, Warden, at Pelican Bay State Prison (PBSP). On October 16, 2018, K. Price, Correctional Sergeant (Sgt.) conducted an interview with CATHY at the Second Level Review (SLR).

ISSUES

CATHY is disputing that a package was wrongfully sent back to his attorney, J. Young, 4120 Douglas Blvd., Suite 306-494, Granite Bay, CA. CATHY contends that his due process was violated, due to not receiving written notification (CDCR 1819) Notification of Disapproved Mail.

EFFECTIVE COMMUNICATION

The interview for this appeal was completed at SLR. The attached Appeals Effective Communication form contains information relative to accommodations that may have been utilized to ensure effective communication following a review of the Disability Effective Communication System.

FINDINGS

I

Second Level Reviewer interviewed CATHY on October 16, 2018. Sgt. Price went to the mailroom prior to interviewing CATHY. Second Level Reviewer was informed that the legal package in question was never logged in and that the package in question was sent directly from the warehouse to Receiving and Release (R&R). Mailroom staff informed Second Level Reviewer that CATHY received a letter days prior to the package being received in the warehouse.

II

On a CDCR form 22, dated August 22, 2018, CATHY asked the mailroom "why was my legal paperwork not approved, by the PBSP mailroom? And why wasn't I sent a notification of disapproval, CDCR 1819 notification?" Mailroom staff responded stating, "Your legal letter from J. Young, Attorney at Law, was processed as legal, was added to a legal log and put in the legal box. Can you explain why you think this was not processed as legal or provide a copy of the envelope?" The reference to the letter was the letter

that the mailroom processed as referenced in *FINDINGS I*. Ms. Thompson in the mailroom said that they did not process a box just a letter and that is what she attempted to explain to CATHY.

III

Second Level Reviewer interviewed R. Kuzmicz on October 16, 2018. R. Kuzmicz explained the package in question was never logged or sent to the mailroom, Kuzmicz informed Second Level Reviewer that the box that is in question was sent to R&R directly from the warehouse. Kuzmicz also stated that mail marked legal will go through the mailroom and that is why the package was sent to R&R directly, because it was not clearly marked legal.

IV

On August 9, 2018, R&R staff inspected the package and marked it as return to sender, due to not being from an approved vendor. Legal mail does not get processed through R&R. R&R staff assumed it was an error by the warehouse, and returned it to the warehouse to be sent back to its original sender on August 12, 2018.

V

During an interview with CATHY on October 16, 2018, these findings were explained. The Second Level Reviewer advised CATHY to have his Attorney resend the package and clearly mark it as legal mail. Second Level Reviewer explained that it was simply an error on the part of the sender and that CDCR staff were not attempting to violate any policy or CATHY's due process. This point was validated as CATHY has received numerous legal items with positive results.

VI

CATHY could not demonstrate any monetary loss or harm.

DETERMINATION OF ISSUE

CATHY's concerns were clearly addressed. All submitted documentation and supporting arguments have been considered. A thorough review has been conducted into the claim CATHY presented. CATHY's request to have all officials involved dismissed is **DENIED**. CATHY's request to be financially compensated is **DENIED**. The package was not clearly marked as legal mail and CATHY has not demonstrated any harm.

This appeal is **DENIED** at the SLR.

MODIFICATION ORDER

No modification of this decision or action taken is required.


JIM ROBERTSON
Warden

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

PBSP
Facility B, Unit 3

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
CATHY	CHARLES R.	V-39913	Charles Ray Cathy
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
B3-109			REJECTED LEGAL PAPERWORK

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

WHY WAS MY LEGAL PAPERWORK NOT APPROVED, REJECTED BY THE P.B.S.P MAILROOM? AND WHY WASN'T I SENT A NOTIFICATION OF DISAPPROVAL CDCR 1819 (REV. 01/16) NOTIFICATION?

THE LEGAL PAPERWORK WAS SENT BY "ATTORNEY-AT-LAW" JULIA M. YOUNG

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: MAILROOM SUPERVISOR ROSIE KUZMICKZ DATE MAILED: 8/22/18
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: Pelican Bay State Prison	SIGNATURE:	FORWARDED TO ANOTHER STAFF?
K. Larson	8/22/18 K. Larson	(CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY:
Appeals Office		(CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
Thompson	8/23/18	Thompson	8/24/18

Mr. Cathy, your legal letter from J. Young, ATT at Law was processed as legal, was added to the legal log and put in the legal box. Can you either explain why you think this was not processed as legal or provide a photo copy of the envelope.

SEP 05 2018

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

My ATTORNEY JULIA M. YOUNG MAILED (U.P.S) ME A BOX CONTAINING LEGAL PAPERWORK AND YOU (THOMPSON) AND KUZMICKZ REFUSED TO ACCEPT IT. IT WAS RETURNED TO -SENDER. ALSO MY ATTORNEY CALLED AND SPOKE TO KUZMICKZ TO GET A SPECIFIC REASON WHY MY LEGAL box of LEGAL DOCUMENTS WAS NOT APPROVED. THERE SEEMS TO BE A CALCULATED EFFORT TO DEPRIVE PRISONERS OF THEIR LEGAL RIGHTS.

SIGNATURE:	DATE SUBMITTED:
Charles Ray Cathy	8/24/18 ESTABLISHED PATTERN

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

Mr. Cathy, The Mailroom does not refuse legal mail packages before it arrives to PBSP. If the package was overweight or does not fit the criteria as legal, you would have received a memorandum explaining such. The Mailroom does not have any record of doing so. Please provide proof that the Mailroom refused your legal mail box.

-10-

APPEALS EFFECTIVE COMMUNICATION CONFIRMATION

INMATE NAME	CDCR NUMBER	HOUSING	APPEAL LOG#	TABE Score
CATHY	V39913	B3-109	PBSP-B-18-02607	12.9

A. DOES THE INMATE HAVE DISABILITIES OR COMMUNICATION ISSUES?

1. ☐ Reads and comprehends without assistance (asked inmate or confirmed by past records).
 2. ☐ No disabilities or effective communication needs found after review of DECS & TABE/Learning Disability lists.

STOP! IF ITEMS #1 AND #2 ARE BOTH CHECKED, GO TO SECTION B. SIGN AND DATE.

3. ☐ Identified with a disability or effective communication need (check all that apply):

- | | | |
|--|----------------------------------|---|
| <input type="checkbox"/> TABE 4.0 or lower, or no score | <input type="checkbox"/> Hearing | <input type="checkbox"/> Learning disability |
| <input type="checkbox"/> Requires reading/comprehension assistance | <input type="checkbox"/> Vision | <input type="checkbox"/> Developmental disability |
| <input type="checkbox"/> Foreign language speaking | <input type="checkbox"/> Speech | <input type="checkbox"/> EOP <input type="checkbox"/> CCCMS |

B. APPEAL INTERVIEW

1. How was assistance provided? Check all that apply.

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Simple English spoken slowly & clearly | <input type="checkbox"/> Inmate stated no need for EC assistance | <input type="checkbox"/> Large print material used |
| <input type="checkbox"/> Read documents to inmate | <input type="checkbox"/> Used text magnifier | <input type="checkbox"/> Lip reading |
| <input type="checkbox"/> Inmate was wearing hearing aid(s) | <input type="checkbox"/> Sign language interpreter used; Name: _____ | |
| <input type="checkbox"/> Written notes used (notes attached) | <input type="checkbox"/> Language interpreter used; Name: _____ | |
| <input type="checkbox"/> Other: _____ | | |

2. How was effective communication achieved? Check all that apply.

- ☒ Inmate reiterated in his own words, what was explained.
☒ Inmate provided appropriate, substantive responses to questions asked.
☒ Inmate asked appropriate questions regarding the information provided.
☐ Inmate did not appear to understand the communication, even though the primary method of communication was used.
☐ Other: _____

Printed Name & Title

Signature

Date

STOP! DO NOT FILL OUT SECTION C OR D UNLESS PROVIDING ASSISTANCE WITH COMPLETED RESPONSE AS DIRECTED BY THE APPEALS OFFICE

C. APPEAL RESPONSE - FIRST LEVEL

1. How was assistance provided?

- ☐ Effective communication assistance was provided as identified in Section B, #1 of this form.

2. How was effective communication achieved?

- ☐ Effective communication assistance was provided as identified in Section B, #2 of this form.

Additional Comments:

K. PRICE

Signature

10/16/2018

Printed Name & Title

Date

D. APPEAL RESPONSE - SECOND LEVEL

1. How was assistance provided?

- ☐ Effective communication assistance was provided as identified in Section B, #1 of this form.

2. How was effective communication achieved?

- ☐ Effective communication assistance was provided as identified in Section B, #2 of this form.

Additional Comments:

Printed Name & Title

Signature

Date

10/16/18

-11-

[Shipping](#)[Tracking](#)[Printing Services](#)[Locations](#)[Support](#)[Sign In](#)

782085920082

Delivered
Thursday 8/02/2018 at 2:36 pm

DELIVERED

Signed for by: LOVE

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

Granite Bay, CA US

TO

CRESCENT CITY, CA US

Travel History

Shipment Facts

Pelican Bay State Prison

SEP 21 2018

Appeals Office

8/02/2018 - Thursday

2:36 pm

Delivered

Smith River, CA

[Expand History](#)

7/31/2018 - Tuesday

1:35 pm

In FedEx possession

Tendered at FedEx location

ROSEVILLE, CA

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English

x
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-12-

LAW OFFICES OF JULIA M. YOUNG

4120 Douglas Blvd., Suite 306-494

Granite Bay, CA 95746

TELEPHONE (916) 296-0786

FAX (916) 914-1997

August 18, 2018

Charles R. Cathy/V-39913

PBSP – B-3-109

P.O. Box 7500

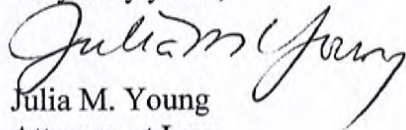
Crescent City, CA 95532

Dear Mr. Cathy:

This letter is to inform you that the prison returned the box containing your legal paperwork to me. They wrote on the box that it was "Not Approved." I am going to contact the prison on Monday to find out why they rejected it.

If you would rather I send your paperwork to Robin, please let me know in writing.

Very truly yours,



Julia M. Young
Attorney at Law

Pelican Bay State Prison

SEP 21 2018

Appeals Office

Pelican Bay State Prison

SEP 05 2018

Appeals Office

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the SECOND Level

Tuesday, September 18, 2018

CATHY, V39913

B 003 1109001L

LEGAL, Mishandling of Legal Work, 09/05/2018

Log Number: PBSP-B-18-02607

(Note: Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.)

The enclosed documents are being returned to you for the following reasons:

Your appeal has been rejected pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.6(b)(6). Your appeal makes a general allegation, but fails to state facts or specify an act or decision consistent with the allegation.

As noted in the CDCR 22 answered by the PBSP mailroom; provide proof you package was rejected by the mailroom as they don't have a record of any package arriving.

RECEIVED AND SIGNED FOR BY K. LOVE



K. Royal, Appeals Coordinator



D. Gorbet, OT



D. Reichlin, SSA



W. Coleman, Appeals Coordinator

Appeals Coordinator

PBSP Appeals Office

Pelican Bay State Prison

SEP 21 2018

Appeals Office

ATTACHED IS FEDEX TRACKING RECORD AS EVIDENCE THAT PROVES THAT MY ATTORNEY J. YOUNG SENT MY LEGAL PAPERWORK IT WAS RECEIVED AND SIGNED FOR BY PRISON OFFICIAL K. LOVE. TRACKING # 782085920082

NOTE: If you are required to respond/explain to this CDCR Form 695, use only the lines provided below.

APPEAL OFFICIALS ARE TRYING TO TAKE UNFAIR ADVANTAGE OF THE EXHAUSTION REQUIREMENT BY USING THESE CDC FORM 695 (REJECTIONS) TO PREVENT APPELLANT FROM EXHAUSTING THIS GRIEVANCE.

Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(e), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

NOTE THIS CDCR 695 IS A PERMANENT APPEAL ATTACHMENT AND IS NOT TO BE REMOVED

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

THIRD LEVEL APPEAL DECISION

Date: AUG 29 2018

In re: Charles Cathy, V39913
Pelican Bay State Prison
P.O. Box 7000
Crescent City, CA 95531-7000

TLR Case No.: 1807904

Local Log No.: PBSP-18-00553

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner M. Hodges, Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that his subscriptions to Prison Legal News magazine and Bayview newspaper have been censored by prison officials R. Kuzmich, K. Hood, L. Hallock, K. Getzart, C. Parry, and D. Short because it [they] contains legal prison complaints and official criticism remarks.

The appellant requests dismissal of the officials found to have violated prison policies and compensation for missing subscriptions.

II SECOND LEVEL'S DECISION: The reviewer found no basis to grant the appeal. The review of the allegation of staff misconduct presented in the written complaint was completed and based upon this review the appellant's appeal was processed as an appeal inquiry. The inquiry included a review of the evidence, an evaluation of any interview conducted, and a review of pertinent documents and current policies, laws, and procedures. All staff personnel matters are confidential in nature. The appellant will only be notified whether the actions of staff were or were not in compliance with policy. The inquiry was completed and it was found that staff did not violate policy with respect to the issue appealed. The appeal was partially granted at the Second Level of Review (SLR) in that an inquiry was completed.

III THIRD LEVEL DECISION: Appeal is denied.

A. FINDINGS: Upon review of the documentation submitted, it was determined at the Third Level of Review (TLR) the appellant's allegations were appropriately reviewed and evaluated by administrative staff. All staff personnel matters are confidential in nature and will not be disclosed to other staff, the general public, the inmate population, or the appellant. If the conduct of staff was determined to not be in compliance with policy, the institution will take the appropriate course of action. In this case, the SLR informed the appellant that an inquiry was completed and disclosed the determination of the inquiry. While the appellant has the right to submit an appeal as a staff complaint, requests for: administrative action regarding staff; the placement of documentation in a staff member's personnel file; to reprimand staff; to remove staff from a position; and/or requests for monetary compensation, are beyond the scope of the appeals process.

The confidential inquiry was reviewed at the TLR. The Third Level Reviewer concurs with the determination of the SLR and finds that the institution's response complies with departmental policy and the appellant's staff complaint allegation was properly addressed. No relief is warranted at the TLR.

The appellant has added new issues and requests to the appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate/Parolee Appeal Form, Sections A and B).

B. BASIS FOR THE DECISION:

California Penal Code Section: 832.7, 832.8

California Code of Regulations, Title 15, Section: 3001, 3004, 3084.1, 3084.9, 3270, 3391

CDCR Operations Manual, Section: 54100.4

- 15 -

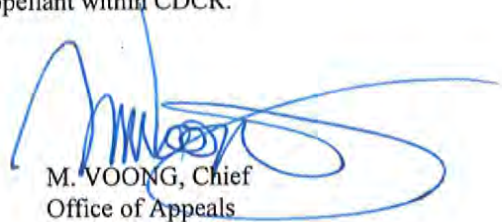
CHARLES CATHY, V39913
CASE NO. 1807904
PAGE 2

C. ORDER: No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



M. HODGES, Appeals Examiner
Office of Appeals



M. VOONG, Chief
Office of Appeals

cc: Warden, PBSP
Appeals Coordinator, PBSP

Facility B, Unit 3

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

STAFF COMPLAINT

Side 1

1807904



V39913

IAB USE ONLY

Institution/Parole Region:

Log #:

Category:

PBSP-B-18-00553

73

FOR STAFF USE ONLY

You may appeal a Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):

CATHY CHARLES R.

CDC Number:

V-39913

Unit/Cell Number:

B3-109

Assignment:

State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

CENSORSHIP

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): MY PERSONAL SUBSCRIPTIONS: PRISON LEGAL NEWS (MAGAZINES) AND BAY-VIEW NEWSPAPER IS BEING CENSORED MEANLY BECAUSE PRISON OFFICIALS R. KUZMICK, K. HOOD, L. HALLOCK, K. GETZART, C.

B. Action requested (If you need more space, use Section B of the CDCR 602-A): DISMISSAL OF OFFICIALS FOUND TO HAVE VIOLATED PRISON POLICIES, AND COMPENSATION FOR MISSING SUBSCRIPTIONS.

Supporting Documents: Refer to CCR 3084.3.

☒ Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

HUMAN RIGHTS DEFENSE CENTER LETTER

☐ No, I have not attached any supporting documents. Reason:

Inmate/Parolee Signature:

Charles Ray Cathy

Date Submitted: 2/23/18

☐ By placing my initials in this box, I waive my right to receive an interview.

C. First Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☒ Yes ☐ No

This appeal has been:

☐ Bypassed at the First Level of Review. Go to Section E.☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____☐ Cancelled (See attached letter) Date: _____☒ Accepted at the First Level of Review.

Assigned to:

BS

Title:

AW

Date Assigned:

2/23/18

Date Due:

4/16/18

First Level Responder: Complete a First Level response. Include Interviewer's name, title, interview date, location, and complete the section below.

Date of Interview:

3-16-18

Interview Location:

Your appeal issue is: ☐ Granted ☒ Granted in Part ☒ Denied ☐ Other:

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer:

Tanya Roboc

Title:

Wm11

Signature:

Date completed:

3/28/18

Reviewer:

K. Osborne

Title:

CA

Signature:

Date received by AC:

APR 04 2018

-17-

AC Use Only

Date mailed/delivered to appellant

APR 04 2018

Pelican Bay State Prison
Refer to H-1 for SCAV.
FEB 23 2018

Appeals Office
Per CDA, refer to
ABS for appeal
Pelican Bay State Prison
APR 10 2018

APR 18 2018
Appeals Office
REC BY OOA
MAY 24 2018

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

PRISON OFFICIALS STILL REFUSED TO ADDRESS THE UNDERLINED FACT WHICH IS I NEVER RECEIVED THOSE PUBLICATIONS FOR THOSE MONTHS. I've spoken to ROSE KUZMIEZ who admitted to as she calls it "MISTAKES" AND THEN TOLD ME IT WOULD NOT HAPPEN AGAIN CONCERNING MY GETTING MY PUBLICATIONS UNHINDERED. IT CONTINUED TO OCCURE, AND I'M DISSATISFIED WITH THE FIRST LEVEL RESPONSE.

Inmate/Parolee Signature: *Charles Ray Cotten*

Date Submitted: *4/10/18*

E. Second Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☒ Yes ☐ No

This appeal has been:

- ☐ By-passed at Second Level of Review. Go to Section G. *R13*
☒ Rejected (See attached letter for instruction) Date: *4-12-18* Date: _____ Date: _____
☐ Cancelled (See attached letter)
☐ Accepted at the Second Level of Review

Assigned to: *Appeals* Title: _____ Date Assigned: *4/24/18* Date Due: *5/31/18*

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: *3-18-18* Interview Location: *PCR*

Your appeal issue is: ☐ Granted ☒ Granted in Part ☐ Denied ☐ Other: _____

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: *NIA* (Print Name) Title: _____ Signature: _____ Date completed: _____

Reviewer: *Bell* (Print Name) Title: *CDW(A)* Signature: _____

Date received by AC: *MAY 18 2018*

AC Use Only
Date mailed/delivered to appellant *MAY 18 2018*

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

IM DISSATISFIED WITH THE RESPONSE I'M NOT BEING COMPENSATED NOR IS THERE A IMPARTIAL AND UNBIAS INVESTIGATION BEING CONDUCTED. OFFICIALS HERE PROTECT THEIR OWN, AND THEY CARE NOTHING ABOUT THE RIGHTS OF PRISONERS.

Inmate/Parolee Signature: *Charles Ray Cotten*

Date Submitted: *5/21/18*

G. Third Level - Staff Use Only

This appeal has been:

- ☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____
☐ Cancelled (See attached letter) Date: _____
☒ Accepted at the Third Level of Review. Your appeal issue is ☐ Granted ☐ Granted in Part ☒ Denied ☐ Other: _____

See attached Third Level response.

Third Level Use Only
Date mailed/delivered to appellant *AUG 30 2018*

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because; State reason. (If withdrawal is conditional, list conditions.)

Inmate/Parolee Signature: _____ Date: _____
Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

PBSP

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (REV. 03/12)

STAFF COMPLAINT

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
1807904	PBSP-B-18-00553	7	
FOR STAFF USE ONLY			

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Unit/Cell Number:	Assignment:
CATHY CHARLES R.	V-39913	B3-109	

A. Continuation of CDCR 602, Section A only (Explain your issue):

PARRY D. SHORT ETAL...
BELIEVE IT CONTAINS LEGAL PRISON COMPLAINTS AND OFFICIAL
CRITICISM REMARKS. THE FIRST AMENDMENT PROHIBITS OFFICIALS
FROM CENSORSHIP OR OBSTRUCTING PRISONERS FROM RECEIVING
INCOMING PUBLICATION THAT DOES NOT VIOLATE PRISON REGULATIONS.
FOR THE PAST SEVERAL MONTHS MY NEWSPAPERS AND PRISON LEGAL
NEWS MAGAZINES HAVE NOT BEEN FORWARDED TO ME DUE TO THE
MALICIOUS INTENTIONS OF MAILROOM AND PRISON OFFICIALS IN THE MAIL
ROOM AND HOUSING UNIT (3). PRISON LEGAL NEWS HAS NOTIFIED ME THAT
THEY HAVE BEEN SENDING MY SUBSCRIPTIONS ON A MONTHLY BASIS
BUT I HAVE NOT BEEN RECEIVING THEM. (SEE ATTACHED) I HAVE RECEIVED
NOTIFICATION FROM GENERAL COUNSEL SABARISHA P. NEELAKANTA OF THE
HUMAN RIGHTS DEFENSE CENTER WHO REPRESENTS P.L.N THAT THEY'VE
SENT MY P.L.N'S TO ME ON A MONTHLY BASIS. THOSE P.L.N'S HAVE
FAILED TO REACH ME IN VIOLATION OF 3134.1 (A)(B)(C)(D), 3136. (A)(B),
3190(i)(7) AND PRISON LEGAL NEWS V. LEHMAN (W.D. WASH 2003)
272 F. SUPP. 2D 1151, 1160-1161 AFFIRMED (9TH CIR. 2005)

Inmate/Parolee Signature: Charles Ray Cathy Date Submitted: 2/23/18

B. Continuation of CDCR 602, Section B only (Action requested):

Pelican Bay State Prison

FEB 23 2018

Pelican Bay State Prison

APR 04 2018

Pelican Bay State Prison

APR 18 2018

Appeals Office

REC BY OOA

MAY 24 2018

-18-

Inmate/Parolee Signature: _____ Date Submitted: _____

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 2

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response):

8105 03 337

8105 04 337A

8105 05 337A

Inmate/Parolee Signature: _____

Date Submitted: _____

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response):

Inmate/Parolee Signature: _____

Date Submitted: _____

State of California

Attachment E-1
Department of Corrections and Rehabilitation

Memorandum

PBSP
Facility B, Unit 3

Date : March 12, 2018

To : Charles Cathy, CDCR# V39913
B Program, B3-109 Pelican Bay State PrisonSubject: **STAFF COMPLAINT RESPONSE - APPEAL PBSP-B-18-00553 FIRST LEVEL RESPONSE**

APPEAL ISSUE: You state on your Inmate/Parolee Appeal, CDCR Form 602, dated February 23, 2018, that mailroom staff is deliberately censoring and holding your personal subscriptions Prison Legal News and Bay View newspaper.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is:

- Being processed as an Appeal Inquiry.

You were interviewed on March 16, 2018, by T. Rogde, Warehouse Manager II, in B Program office, at 11:30 am. Correctional Officer Skerik was present during the interview. You stated if this is for the appeal that you had nothing to add. I mentioned to you that I was here for the staff complaint on your appeal issue. I explained when the mailroom staff receives publications, they pitch the publications into the appropriate institutions program mailbags to be sorted and delivered to the inmates. I explained to you that the mailroom staff does not refuse or hold publications, unless there is no housing information on the publications. When there is no information on the publications they are placed into a separate mail bucket to be reviewed, usually within three days. When time permits, mailroom staff will review the publications and when the inmate housing is found the publications are then sent into the appropriate unit's mailbag for delivery to the inmates. You kept saying that you had not received any publications since October 2017. I showed you the label on your Prison Legal News publication, clearly showing no housing information to deliver your publication to. I asked you to reach out to the publications to have your housing information placed on the label. That would ensure faster and accurate delivery to you. I asked you if there was anything to add to your appeal issue, you said you didn't have anything to add.

Pelican Bay State Prison

APR 04 2018

Appeals Office

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Staff Complaint Response Dated March 16, 2018
Page 2

Attachment E-1

PBSP
Facility B, Unit 3

Your appeal is DENIED in that:

➤ The Appeal inquiry is complete.

The following information was reviewed as a result of your allegations of staff misconduct.

Prison legal News publications Cover Page

CCR Title 15, Section 3134.1 (a) (b) (c) (d)

CCR Title 15, Section 3136. (a) (b)

Staff: *did* ☐ *did not* ☒ violate CDCR policy with respect to one or more of the issues appealed.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.
- Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process. A variety of personnel actions may be initiated by the Department based upon the content of your complaint and the outcome of any investigation or inquiry conducted as a result of your complaint.
- Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: Terry ROOSE Sign: [Signature] Date: 3/28/18
Interviewer

Print: K. Osborne Sign: [Signature] Date: 3-28-18
Reviewing Authority

Pelican Bay State Prison

APR 04 2018

Appeals Office

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Template Date 4/4/2012*
State of California

Attachment E-1
Department of Corrections and Rehabilitation

Memorandum

Date :

To : CATHY, V39913
Pelican Bay State Prison
Facility B, Unit 3, Cell 109

Subject: **STAFF COMPLAINT RESPONSE - APPEAL #PBSP-B-18-00553 SECOND LEVEL RESPONSE**

APPEAL ISSUE: You state your first amendment rights are being violated because personal subscriptions to Prison Legal News and Bayview Newspaper are being censored because prison officials R. Kuzmich, K. Hood, L. Hallock, K. Getzart, C. Parry, D. Short, *etal*, and you believe it contains legal prison complaints and official criticisms and remarks. You request for the dismissal of officials found to have violated prison policies and compensation for missing subscriptions.

All issues unrelated to the allegation of staff misconduct must be appealed separately and will not be addressed in this response. You do not exhaust administrative remedies on any unrelated issue not covered in this response or concerning any staff member not identified by you in this complaint. If you are unable to name all involved staff you may request assistance in establishing their identity.

DETERMINATION OF ISSUE: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal is: Being processed as an Appeal Inquiry.

You were interviewed on March 16, 2018, by T. Rogde, Warehouse Manager II, and you indicated you had nothing to add regarding the appeal.

Your appeal is **PARTIALLY GRANTED** in that: The Appeal Inquiry is complete, has been reviewed, and all issues were adequately addressed. No witnesses were interviewed as a result of your allegations. The following documents were reviewed as a result of your allegations: Human Rights Defense Center letter dated January 25, 2018, and Prison Legal New letter undated.

Staff: **did** ☐ **did not** ☒ violate CDCR policy with respect to the issues appealed.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE.

- As such, the details of any inquiry will not be shared with staff, members of the public, or offender appellants.

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Template Date 4/4/2012

Attachment E-1

Page 2

- Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process. A variety of personnel actions may be initiated by the Department based upon the content of your complaint and the outcome of any investigation or inquiry conducted as a result of your complaint.
- Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process.

If you wish to appeal the decision and/or exhaust administrative remedies, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Secretary's/Third Level of Review. Once a decision has been rendered at the Third Level, administrative remedies will be considered exhausted.

Print: Bell Sign:  Date: 5/18/18
Reviewing Authority

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STATE OF CALIFORNIA
RIGHTS AND RESPONSIBILITY STATEMENT
CDCR 1858 (Rev. 10/06)

PBSP
Facility B, Unit 3

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added the department language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

COMPLAINANT'S PRINTED NAME Cathy	COMPLAINANT'S SIGNATURE <i>Cathy</i>	DATE SIGNED 3/16/18
INMATE/PAROLEE PRINTED NAME	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER DATE SIGNED
RECEIVING STAFF'S PRINTED NAME T. Rocco	RECEIVING STAFF'S SIGNATURE <i>T. Rocco</i>	DATE SIGNED 3/16/18

DISTRIBUTION:

ORIGINAL -

Public - Institution Head/Parole Administrator

Inmate/Parolee - Attach to CDC form 602

Employee - Institution Head/Parole Administrator

COPY - Complainant

-23-

Pelican Bay State Prison

APR 04 2018

Appeals Office

PBSP
Facility B, Unit 3

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the SECOND Level

Thursday, April 12, 2018

B3-109

CATHY, V39913

B 003 1109001L

STAFF COMPLAINTS, , 04/04/2018

Log Number: PBSP-B-18-00553

(Note: Log numbers are assigned to all appeals for tracking purposes. Your appeal is subject to cancellation for failure to correct noted deficiencies.)

The enclosed documents are being returned to you for the following reasons:

Your appeal has been rejected pursuant to the California Code of Regulations, Title 15, Section (CCR) 3084.6(b)(13). The appeal is incomplete. Your appeal is being returned for the following reason(s):

Complete Section D of the 602 if you wish to continue this appeal to the next level of review.

- ☐ A. Sheldon, Appeals Coordinator
- ☐ K. Royal, Appeals Coordinator
- ☐ N. Sandquist, SSA
- ☐ D. Gorbet, OT
- ☐ N. Bramucci, AGPA
- ☐ A. Bond, CCII

Appeals Coordinator
PBSP Appeals Office

Pelican Bay State Prison

APR 18 2018

UNWARRANTED REJECTION.

NOTE: If you are required to respond/explain to this CDCR Form 695, use only the lines provided below.

APPEALS OFFICIALS NEVER FORWARDED THIS 602 BACK TO ME FOR
A 2ND LEVEL RESPONSE "UNTIL" I FILED A REQUEST 22 FORM
DATED 4/15/18 INQUIRING ABOUT THE STATUS OF THIS 602. AND
HIGHLIGHTING THE FACT THAT THE DUE DATE LAPSE. THIS REJECTION WRONG.

Be advised that you cannot appeal a rejected appeal, but should take the corrective action necessary and resubmit the appeal within the timeframes specified in CCR 3084.6(a) and CCR 3084.8(b). Pursuant to CCR 3084.6(e), once an appeal has been cancelled, that appeal may not be resubmitted. However, a separate appeal can be filed on the cancellation decision. The original appeal may only be resubmitted if the appeal on the cancellation is granted.

NOTE THIS CDCR 695 IS A PERMANENT APPEAL ATTACHMENT AND IS NOT TO BE REMOVED

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The Examiner has determined this document to be duplicate or irrelevant material. *(i.e. unrelated appeal, unrelated RVR, unnecessary declaration)*

As such this document is being returned to the appellant and was not considered in the decision making process at the Third Level of Review.



**RETURN TO APPELLANT
WITH RESPONSE**



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL AND PRIVILEGED LEGAL MAIL

PBSP
Facility B, Unit 3

January 25, 2018

Charles Cathy, #V39913
Pelican Bay State Prison
B3-109
PO Box 7500
Crescent City, CA 95532

Dear Mr. Cathy:


Thank you for contacting us. As you know, I represent *Prison Legal News* (PLN), a project of the Human Rights Defense Center (HRDC). Your last letter of 1-3-18 has been received. The 2017-18 monthly mailing dates of *Prison Legal News* are itemized below:

<u>Issue of PLN</u>	<u>Date sent</u>
January 2017	1/12/17
February 2017	n/a
March 2017	3/10/17
April 2017	4/07/17
May 2017	5/10/17
June 2017	6/13/17
July 2017	7/07/17
August 2017	7/28/17
September 2017	9/05/17
October 2017	10/11/17
November 2017	11/1/17
December 2017	12/8/17
January 2018	1-4-18 (Est.)

Please be advised that the February 2017 issue was not sent to you as your subscription had lapsed. Currently there are seven (7) issues remaining on your subscription account. I have asked PLN to resend you the December 2017 issue in a separate envelope. Please advise if you do not receive it. It is being mailed to you today. Thanks again for your correspondence and for your continued support of PLN. Please continue to keep us informed about the delivery of PLN's mail.

Very Truly Yours,

HUMAN RIGHTS DEFENSE CENTER

By: 
Sabarish P. Neelakanta
General Counsel

Pelican Bay State Prison

APR 04 2018

Appeals Office

SPN:km

P.O. Box 1151, Lake Worth, FL 33460
Phone: 561.360.2523 Fax: 866.735.7136
Email: sneelakanta@humanrightsdefensecenter.org

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"Original"



Prison Legal News

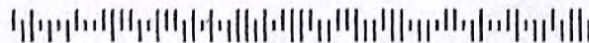
PO Box 1151

Lake Worth, FL 33460

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PBSP
Facility B, Unit 3



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43699 5 LEFT

CHARLES CATHY V39913

PELICAN BAY STATE PRISON

PO BOX 7500

CRESCENT CITY CA 95531-7500

S164 P1

Pelican Bay State Prison

APR 04 2018

Appeals Office

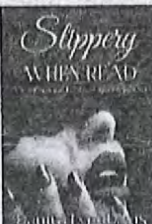
Subscription Renewal — 03/18

The above mailing address for PLN subscribers indicates how many issues remain on the subscription. For example, if it says "10 LEFT" just above the mailing address, there are 10 issues of PLN remaining on the subscription before it expires. IF IT SAYS "0 LEFT," THIS IS YOUR LAST ISSUE. Please renew at least 2 months before the subscription ends to avoid missing any issues.

Change of Address

If you move or are transferred, please notify PLN as soon as possible so your issues can be mailed to your new address! PLN only accepts responsibility for sending an issue to the address provided at the time an issue is mailed!

Books have the power to change lives



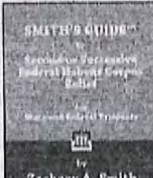
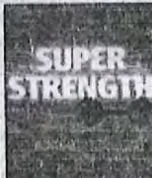
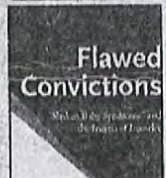
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EXHIBIT COVER PAGE_{G&g}

A

DESCRIPTION OF THIS EXHIBIT: *FED EX RECEIPT
CONFIRMING DELIVERY AND LETTER FROM
ATTORNEY AT LAW JULIA M. YOUNG.*

Number of pages to this exhibit: 2 pages.

Jurisdiction: (Check only one)

- ☐ Municipal Court
- ☐ Superior Court
- ☐ Appellate Court
- ☐ State Supreme Court
- ☒ United States District Court
- ☐ Federal Circuit Court
- ☐ United States Supreme Court
- ☐ Grand Jury

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Thursday 8/02/2018 at 2:36 pm

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FROM
Granite Bay, CA US

TO
CRESCENT CITY, CA US

[Travel History](#)

Shipment Facts

8/02/2018 - Thursday

2:36 pm

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Smith River, CA

[Expand History](#)

7/31/2018 - Tuesday

1:35 pm

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ROSEVILLE, CA

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LAW OFFICES OF JULIA M. YOUNG

4120 Douglas Blvd., Suite 306-494

Granite Bay, CA 95746

TELEPHONE (916) 296-0786

FAX (916) 914-1997

August 18, 2018

Charles R. Cathy/V-39913

PBSP – B-3-109

P.O. Box 7500

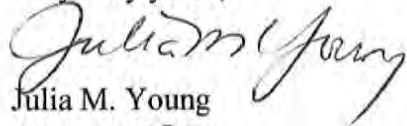
Crescent City, CA 95532

Dear Mr. Cathy:

This letter is to inform you that the prison returned the box containing your legal paperwork to me. They wrote on the box that it was "Not Approved." I am going to contact the prison on Monday to find out why they rejected it.

If you would rather I send your paperwork to Robin, please let me know in writing.

Very truly yours,



Julia M. Young
Attorney at Law

EXHIBIT COVER PAGE

B

DESCRIPTION OF THIS EXHIBIT: INMATE /
PAROLEE REQUEST 22 FORM 8/24/18.

NUMBER OF PAGES TO THIS EXHIBIT: 1

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
CATHY	CHARLES R.	V-39913	Charles Ray Cathy
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM TO	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
B3-109			REJECTED LEGAL PAPERWORK

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

WHY WAS MY LEGAL PAPERWORK NOT APPROVED, REJECTED BY THE P.B.S.P. MAILROOM? AND WHY WASN'T SENT A NOTIFICATION OF DISAPPROVAL CDCR 1819 (REV. 01/16) NOTIFICATION?

THE LEGAL PAPERWORK WAS SENT BY "ATTORNEY-AT-LAW" JULIA M. YOUNG

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: MAILROOM SUPERVISOR ROSE KUZMICKZ DATE MAILED: 8/22/18
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
K. Larson	8/22/18	K. Larson	NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
Thompson	8/23/18	Thompson	8/24/18

Mr. Cathy, your legal letter from J. Young ATT at Row was processed as legal, was added to the legal log and put in the legal box. Can you either explain why you think this was not processed as legal or provide a photo copy of the envelope.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

MY ATTORNEY JULIA M. YOUNG MAILED (U.P.S) ME A BOX CONTAINING LEGAL PAPERWORK AND BO (THOMPSON) AND KUZMICKZ REFUSED TO ACCEPT IT. IT WAS RETURNED TO -SENDER. ALSO MY ATTORNEY CALLED AND SPOKE TO KUZMICKZ TO GET A SPECIFIC REASON WHY MY LEGAL BOX OF LEGAL DOCUMENTS WAS NOT APPROVED. THERE SEEMS TO BE A CALCULATED EFFORT TO DENY PRISONERS OF THEIR LEGAL RIGHTS.

SIGNATURE:	DATE SUBMITTED:
Charles Ray Cathy	8/24/18 ESTABLISHED PATTERN

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

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STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) CATHY, CHARLES R.	(FIRST NAME)	CDC NUMBER: V-39913	SIGNATURE: <i>Charles Ray Cathy</i>
HOUSING/BED NUMBER: B3-109	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): "CENSORSHIP" LEGAL

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I WAS NOTIFIED BY A NERSON WHO I SPOKE TO ON THE PHONE THAT THEY SENT ME A LETTER (DECLARATION) INSIDE A WHITE MANILLA ENVELOPE THAT I'VE NOW BEEN WAITING ON FOR 3 WEEKS TO BE DELIVERED TO ME BY P.B.S.P. MAILROOM. WE BELIEVE THAT ITS BEING WITHHELD BY SOMEONE WITHIN THE MAILROOM BASED ON THE CONTENTS OF THE ENVELOPE. (LEGAL DECLARATION) THIS IS NOT THE FIRST NOR SECOND TIME THAT THIS HAS HAPPEND TO ME BY MAILROOM OFFICIALS HERE AT P.B.S.P.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) ***NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**

- ☐ SENT THROUGH MAIL: ADDRESSED TO: **MAIL ROOM STAFF**
- ☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

DATE MAILED: **11/12/17**

RECEIVED BY: PRINT STAFF NAME: M. CONTRERAS	DATE: 11-12-17	SIGNATURE: <i>[Signature]</i>	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: M.S.	DATE: 11/15/17	SIGNATURE: M.S.	DATE RETURNED: 11/15/17
---------------------------------------	--------------------------	---------------------------	-----------------------------------

The mail room does NOT have anything on hold for you. IT would be in your unit if it came here. If it was sent by a private party it will be searched and sent to you if no contraband. If sent by a legal lawyer it would be logged and sent in the next day. We are only 2 days behind so you would need to ask the floor cop as the mail room does not have it.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

WHAT IS YOUR LAST NAME? IDENTIFY WHAT THE "S" STANDS FOR SO YOU CAN BE NAMED IN A 602 COMPLAINT THAT IS BEING FILED ON YOU.

SECTION B: STAFF RESPONSE **M.S.**

SIGNATURE: <i>Charles Ray Cathy</i>	DATE SUBMITTED: 11/15/17
--	------------------------------------

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT COVER PAGE

C

DESCRIPTION OF THIS EXHIBIT: CENSORED
LETTERS FROM ATTORNEY'S.

NUMBER OF PAGES TO THIS EXHIBIT: 14

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON

5905 Lake Earl Drive

P.O. Box 7000

Crescent City, CA 95532



October 18, 2017

CATHY, Charles, V39913

B3-109L

Pelican Bay State Prison

RETURNED CONFIDENTIAL MAIL

This is in response to your letter dated September 27, 2017. Upon review of your correspondence, it has been determined a response from the facility level is required.

Your letter alleges correctional staff refused to allow your confidential mail to be sent to C. E. Ducart, Warden. In your letter, you claim despite your Inmate/Parolee Request for Interview, Item or Service, CDCR Form 22, being in a sealed envelope marked "Confidential Mail" as allowed by the California Code of Regulations (CCR), Title 15, Article 4, Mail, Section 3141, Confidential Correspondence, the envelope was opened and correctional staff refused to mail your CDCR Form 22 to Warden Ducart.

With your letter, you enclosed the CDCR Form 22 and the opened envelope marked "Confidential Mail", addressed to Warden Ducart who falls under the criteria of an Official under Confidential Correspondence. Your letter and the envelope have been reviewed. You are correct that Warden Ducart is an Official under the criteria of Confidential Correspondence. You are also allowed to confidentially correspond with Warden Ducart. However, CCR, Title 15, Section 3142, Processing of Outgoing Confidential Mail states:

In order to be accepted and processed as confidential correspondence, an inmate's letter shall comply with the following requirements:

- (a) The letter must be addressed to a person or to the office of a person listed in Section 3141. The address of an attorney must match the address listed with the State Bar.*
- (b) The inmate's full name, department identification number, and the address of the facility shall be included in the return address appearing on the outside of the envelope.*
- (c) The word "confidential" shall appear on the face of the envelope. Failure to do this will result in the letter being processed as regular mail or being returned to the inmate if for any reason the mail cannot be processed as regular mail.*
- (d) Inmates shall post confidential mail by presenting the mail unsealed to designated staff. In the presence of the inmate, the staff shall remove the contents of the envelope upside down to prevent reading of the contents. Staff shall remove the pages and shake them to ensure there is no prohibited material, consistent with these regulations. If no prohibited material is discovered, the contents shall be returned to the envelope and sealed. Staff shall place their signature, badge number and date across the sealed area on the back of the envelope. Staff shall then deposit the confidential mail in the appropriate depository.*

-35-

CATHY, Charles, V39913
RETURNED CONFIDENTIAL MAIL
Page 2

If you have any future questions and cannot get a satisfactory answer from unit staff, please feel free to complete CDCR Form 22. You may address the CDCR Form 22 to Facility B supervisors or the Facility B Captain who will readily address your concerns and answer your questions. Additionally, any alleged staff misconduct by a departmental employee shall be forwarded to the appeals coordinator via appeal collection sites within the housing unit.

A handwritten signature in black ink, appearing to read "C.P." followed by a long horizontal stroke and a small "4" at the end.

R. K. BELL
Correctional Administrator
General Population

cc: Warden
Captain
Central File

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON

5905 Lake Earl Drive

P.O. Box 7000

Crescent City, CA 95532



March 5, 2018

Kendall Brill & Kelly LLP
10100 Santa Monica Blvd, Suite 1725
Los Angeles, CA 90067

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

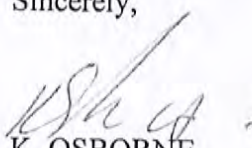
- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

Your mailing does not meet the criteria for confidential correspondence because the return address does not include the name and title of a specific attorney and could not be verified in the State Bar.

Any future mailings that do not comply with the criteria for confidential mail as stated in the CCR, Title 15, Sections 3141 and 3143, will be deemed non-confidential and are subject to being examined in their entirety.

Should you have any questions or concerns, please contact K. Love, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,


K. OSBORNE

Correctional Administrator
Business Services

cc: K. Love

-37-



writer's direct:
310.272.7910 telephone
bdeixler@kbkfirm.com

February 27, 2018

LEGAL MAIL

Charles R. Cathy #V-39913-B-109
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Re: Request for Representation

Dear Mr. Cathy:

We have received your letter and thank you for your interest in our firm. Unfortunately, we are unable to assist you with your case.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bert Deixler'.

Bert Deixler

-38-

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON

5905 Lake Earl Drive

P.O. Box 7000

Crescent City, CA 95532



March 13, 2018

AZ Justice Project

411 N. Central Ave. Ste. 600

C/O ASU

Phoenix, AZ 85004

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

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Any future mailings that do not comply with the criteria for confidential mail as stated in the CCR, Title 15, Sections 3141 and 3143, will be deemed non-confidential and are subject to being examined in their entirety.

Should you have any questions or concerns, please contact K. Love, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Osborne", followed by a stylized flourish.

K. OSBORNE

Correctional Administrator
Business Services

-39-

cc: K. Love



ARIZONA JUSTICE PROJECT

c/o Arizona State University
Mail Code 4420
411 N. Central Avenue, Suite 600
Phoenix, AZ 85004-2139
www.azjusticeproject.org

CONFIDENTIAL – ATTORNEY WORK PRODUCT
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

March 6, 2018

Charles Ray Cathy - V-39913-B-109
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dear Mr. Cathy,

The Arizona Justice Project received your request for assistance. AJP is a non-profit organization that represents indigent Arizona inmates with claims of innocence or in cases where a manifest injustice has occurred. Our case review is limited to those where a person has been convicted in the State of Arizona, has exhausted all appeals, and is no longer entitled to counsel. Even then, we take only a fraction of the cases we review.

It appears from your letter you are seeking assistance regarding a matter that occurred in **California**. Unfortunately, as an Arizona organization, we cannot assist you in your case. However, we have provided contact information for **California Innocence Project**, **Project for the Innocent**, and **Northern California Innocence Project** below:

California Innocence Project
225 Cedar Street
San Diego, CA 92101

Loyola Law School
Project for the Innocent
919 Albany Street
Los Angeles, CA 90015

Northern California Innocence Project
Santa Clara University School of Law
900 Lafayette Street, Suite 105
Santa Clara, CA 95050

Thank you for your understanding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawnee Ziegler".

Shawnee Ziegler
Intake Coordinator

-40-

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON
5905 Lake Earl Drive
P.O. Box 7000
Crescent City, CA 95532



March 13, 2018

Ferrentino & Associates, Inc.
949 South Coast Drive, Suite 250
Costa Mesa, CA 92626

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

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Any future mailings that do not comply with the criteria for confidential mail as stated in the CCR, Title 15, Sections 3141 and 3143, will be deemed non-confidential and are subject to being examined in their entirety.

Should you have any questions or concerns, please contact K. Love, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Osborne", with a stylized flourish at the end.

K. OSBORNE
Correctional Administrator
Business Services

cc: K. Love

- 41 -

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
CATHY	CHARLES R.	V-39913	Charles R. Cathy
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
B3-109			LEGAL MAIL

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

ON OR AROUND THE MONTH OF APRIL I MAILED OUT A CONFIDENTIAL LEGAL LETTER TO MY ATTORNEY FERRENTINO & ASSOCIATES. ON MAY 16, 2018 I RECEIVED LEGAL MAIL FROM MY ATTORNEY SAYING "OUR OFFICE NEVER RECEIVED THEM! SPEAKING OF MY LETTER TO HIM. SEND ME A COPY OF MY OUT-GOING LEGAL MAIL RECORDED ON MY MAILROOM 119 FOR THE MONTH OF APRIL ADDRESSED TO FERRENTINO 449 S. COAST DRIVE, SUITE 250 COSTA MESA, CA. 92626

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: MAILROOM DATE MAILED: 5/24/18
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
LEE	5/23/18		<input checked="" type="radio"/> YES <input type="radio"/> NO

IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
			5/24/18

Please attach Trust withdrawal to receive a photo copy. Early copy is 100. We do have one entry of outgoing to Ferrentino, At Law, on March 26, 2018.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

- 42 -



May 16, 2018

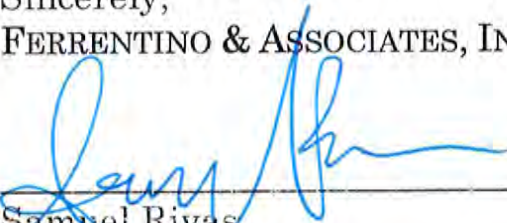
Charles R. Cathy CDC# V39913
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA

Re: *People v. Charles R. Cathy*

Dear Mr. Cathy,

I spoke with your wife, Robin Cathy regarding your interest in retaining an attorney for a habeas matter. She informed that you had sent back the documents I had previously sent you. However, our office never received them. I have enclosed the Habeas Intake Questionnaire once again. Please fill out as much as you can, so that we can best assist you and return back to us.

Sincerely,
FERRENTINO & ASSOCIATES, INC.



Samuel Rivas
Paralegal Assistant

Enc. Habeas Intake Questions

-43-



March 8, 2018

Charles R. Cathy CDC# V39913
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA

Re: People v. Charles R. Cathy

Dear Mr. Cathy,

I spoke with your wife, Robin Cathy today regarding your matter. Attorney Correen Ferrentino has instructed me to enclose the Habeas Intake Questionnaire so that we can best assist you. Please fill out as much as you can and return back to us.

Sincerely,
FERRENTINO & ASSOCIATES, INC.



Samuel Rivas
Paralegal Assistant

Enc. Habeas Intake Questions

- 44 -

FERRENTINO
& Associates
949 South Coast Drive, Suite 250
Costa Mesa, CA 92626
P 714.973.2024 F 714.973.2025

Defense for your peace of mind.

Habeas Intake Questions

QUOTE: _____

TERMS: _____

Background:

Date _____ Referred By: _____

Name of Potential Client: _____

CDC # or Booking # _____

DOB _____

Address _____

Phone _____

Contact Person _____

Phone _____

Email _____

Address _____

-45-

Case Questions:

Trial

County of Conviction_____

Charges_____

Date of Offense_____

Age of Defendant at Offense_____

Date of Sentencing_____

Sentence_____

Superior Court Case No._____

Trial Attorney:

Name:_____

Address:_____

Phone:_____

Email:_____

Where is the Trial Attorney File?_____

How many pages approximately is the Trial Attorney File?_____

Appeal

Did you Appeal: Yes No

Court of Appeal Case No.:_____

Court of Appeal Opinion (send to us if you have): Yes No

Date of Court of Appeal decision_____

Affirmed or Reversed_____

Appellate Attorney:

Name_____

Address _____

Phone No. _____

EMAIL _____

Where is the Record on Appeal (CT, RT & Briefs): _____

How many pages of Transcripts (CT & RT) are there:

CT _____ RT _____ Total: _____

Was a Petition for Review filed in Calif. Supreme Court: Yes No

If so, Result: Denied Granted Date _____

Was There a Petition for Certiorary filed in the United States Supreme Court:

Yes No

If so, Result: Denied Granted Date _____

Habeas Petitions

Have any Habeas Petition been filed: Yes No:

If so, where and what Court: _____

Name of Habeas Attorney Contact: _____

State Habeas

State Court: _____ Case No. _____

When Filed: _____

Who filed (Defendant or Attorney):

Pro Per: Attorney:

Name _____

Address _____

Phone No. _____

EMAIL _____

Result: _____ Date _____

Court of Appeal _____ Case No. _____

When Filed: _____

Who filed (Defendant or Attorney):

Pro Per: _____ Attorney: _____

Name _____

Address _____

Phone No. _____

EMAIL _____

Result: _____ Date _____

California Supreme Court _____ Case No. _____

When Filed: _____

Who filed (Defendant or Attorney):

Pro Per: _____ Attorney: _____

Name _____

Address _____

Phone No. _____

EMAIL _____

Result: _____ Date _____

21 Who has Habeas Briefs & Opinion _____

(Send Copies If Possible)

Federal Habeas – United States District Court

Habeas Attorney _____

Decision _____ Date _____

Who Filed _____

Case No. _____

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON
5905 Lake Earl Drive
P.O. Box 7000
Crescent City, CA 95532



March 20, 2018

Juvenile Innocence & Fair Sentencing Clinic
919 Albany Street
Los Angeles, CA 90015-1211

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
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Should you have any questions or concerns, please contact K. Love, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. OSBORNE", is written over the "Sincerely," line.

K. OSBORNE
Correctional Administrator
Business Services

cc: K. Love

- 49 -

JIFS

JUVENILE INNOCENCE
& FAIR SENTENCING
CLINIC

CENTER FOR JUVENILE LAW & POLICY
LOYOLA LAW SCHOOL | LOS ANGELES

T 213.736.1327 | 919 Albany Street
F 213.387.6006 | Los Angeles, CA 90015-1211
www.jifs.edu

Does Not Meet the Criteria for "CONFIDENTIAL MAIL"

Loyola Law School | Loyola Marymount University

MAR 20 2018

B3-109

Mr. Charles R. Cathy
CDC #V39913
Housing: B-109
Pelican Bay State Prison
PO Box 7500
Crescent City, CA 95532

NON-CONFIDENTIAL
PER CALIF. ADMIN.
CODE 3141-3143



U.S. POSTAGE PITNEY BOWES
ZIP 90015 \$001.10⁰
02 1W
0001387097 MAR 12 2018



Mr. Charles R. Cathy
CDC #V39913
Housing: B-109
Pelican Bay State Prison
PO Box 7500
Crescent City, CA 95532

March 8, 2018

Dear Mr. Cathy,

We received your letter requesting assistance with your case, specifically regarding your prior conviction—a strike, and various errors made by your previous attorney. Unfortunately, I believe you are outside of our mandate and we would not be able to assist you with your case. The Juvenile Innocence and Fair Sentencing Clinic represents individuals that were *juveniles* (under 18 years of age) at the time of their crime, in Los Angeles County.

We are sorry to hear of your hardship, Mr. Cathy. I have enclosed with this letter a copy of form number MC-275—Petition for writ of habeas corpus, should you wish to pursue this matter through the court system *pro per* (on your own). Also, enclosed is the contact information of another post-conviction organization located in Los Angeles, perhaps you could reach out to them for assistance.

We wish you luck in your pursuit of justice.

Kind regards,

Shawn McDonald Tracy
Clinical Legal Assistant
Juvenile Innocence and Fair Sentencing Clinic
Center for Juvenile Law and Policy
Loyola Law School – Los Angeles

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DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON
5905 Lake Earl Drive
P.O. Box 7000
Crescent City, CA 95532



March 20, 2018

Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
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Should you have any questions or concerns, please contact K. Love, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. Osborne".

K. OSBORNE
Correctional Administrator
Business Services

cc: K. Love

- 52 -

GIBSON DUNN

March 14, 2018

VIA FIRST CLASS MAIL

Mr. Charles R. Cathy
V-39913-B-109
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532-7000

Re: Legal Representation

Dear Mr. Cathy:

We have received your request regarding legal representation. Unfortunately, we are unable to represent you in this matter. You might consider contacting the California Bar Association or Legal Aid Foundation of Los Angeles for a list of attorneys who might be able to help you. The contact information is:

Lawyer Referral Services Program
The State Bar of California
180 Howard Street
San Francisco, CA 94105
Email: lrs@calbar.ca.gov
Tel: 866.442.2529

Legal Aid Foundation of Los Angeles
1102 Crenshaw Blvd.
Los Angeles, CA 90019
Tel: 323.801.7989
Fax: 323.801.7921

We wish you well in locating legal counsel to represent you.

Very truly yours,

Gibson, Dunn & Crutcher LLP

Gibson, Dunn & Crutcher LLP

102467989.1

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DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON

5905 Lake Earl Drive

P.O. Box 7000

Crescent City, CA 95532



March 27, 2018

Spolin Law

11500 W. Olympic Blvd., Suite 400

Los Angeles, CA 90064

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

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Should you have any questions or concerns, please contact K. Love, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,

K. OSBORNE

Correctional Administrator

Business Services

cc: K. Love

-54-



11500 W. OLYMPIC BLVD., SUITE 400, LOS ANGELES, CA 90064
PH: 310-424-5816 | FAX: 310-312-4551
WWW.SPOLINLAW.COM

March 21, 2018

Charles R. Cathy, V-39913 -B-109
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dear Mr. Cathy,

I received your letter requesting help with a criminal appeal. Earlier this afternoon I also spoke with your wife, Robin Cathy.

I am a former Assistant District Attorney and a former Federal District Court Judicial Extern. My firm handles a wide array of criminal appeals, and I may be able to provide assistance in filing an appeal or writ for you.

As I told Robin, I would need to do a full case review to examine your case file. This will allow me to see what—if any—opportunities you may have to file an appeal or writ. My fee for this type of case review is \$3,500, which is due upfront before representation begins. If the case review shows me that you have an opportunity to file a writ or appeal, I will inform you of the relevant arguments that may be applicable. Also, the \$3,500 case review fee can be credited towards any fee for an appeal or writ, if you choose to hire me for that work after the review is completed.

If you would like me to complete a case review for you, then please (1) sign and return the enclosed representation agreement, (2) arrange for a \$3,500 cashier's check to be delivered to my office at Spolin Law, 11500 W. Olympic Blvd., Suite 400, Los Angeles, CA 90064 within 30 days, and (3) arrange for the case files to be dropped off at my office within 45 days. Representation will begin when the numbered items above are completed.

Feel free to reach out to me if you have any questions. I look forward to potentially aiding in your defense.

Sincerely,

Aaron Spolin

Charles R. Cathy, V-39913 -B-109
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Spolin Law
11500 W. Olympic Blvd., Suite 400
Los Angeles, CA 90064

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON
5905 Lake Earl Drive
P.O. Box 7000
Crescent City, CA 95532



April 19, 2018

National Legal Professional Associates
Margaret A. Robinson Advocacy Center
11802 Conrey Road, Suite 150
Cincinnati, OH 45249

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

Your mailing does not meet the criteria for confidential correspondence because the return address does not include the name and title of a specific attorney and could not be verified in the State Bar. Your mailing was processed as non-confidential and forwarded to the inmate along with a copy of this memorandum.

Any future mailings that do not comply with the criteria for confidential mail as stated in the CCR, Title 15, Sections 3141 and 3143, will be deemed non-confidential and are subject to being examined in their entirety.

Should you have any questions or concerns, please contact K. Love, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Osborne", is written over the typed name.

K. OSBORNE
Correctional Administrator
Business Services

-56-

cc: K. Love

NATIONAL LEGAL PROFESSIONAL ASSOCIATES
Margaret A. Robinson Advocacy Center
11802 Conrey Road, Suite 150
Cincinnati, OH 45249

Does Not Meet The Criteria For "CONFIDENTIAL MAIL"

*National Legal Professional Associates
Margaret A Robinson Advocacy Center
11802 Conrey Road, Suite 150
Cincinnati, Ohio 45249*

CONFIDENTIAL MAIL -
THIS LETTER WAS OPENED AND SEARCHED IN
THE PRESENCE OF THE INMATE ADDRESSER.
DELIVERED BY OFFICER

APR 19 2018

Charles Ray Cathy
V39913 B3-109L
Pelican Bay State Prison
PO Box 7500
Crescent City, CA 95532

Does Not Meet The Criteria For "CONFIDENTIAL"



NON - CONFIDENTIAL
PER CALIF. ADMIN.
CODE 3141-3143

Charles Ray Cathy
V39913
Pelican Bay State Prison
PO Box 7500
Crescent City, CA 95532

B3-109

MAR 12 2018

DELIVERED BY OFFICER
BY OFFICER

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON
5905 Lake Earl Drive
P.O. Box 7000
Crescent City, CA 95532



April 13, 2018

Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111-1809

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
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Should you have any questions or concerns, please contact K. Love, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. Osborne", is written over the printed name.

K. OSBORNE
Correctional Administrator
Business Services

cc: K. Love

- 58 -

DIVISION OF ADULT INSTITUTIONS
PELICAN BAY STATE PRISON
P.O. Box 7000
Crescent City, CA 95532



November 14, 2018

Law Offices Marks & Brooklier
A Professional Corporation
10100 Santa Monica Blvd., Suite 300
Los Angeles, CA 90067

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

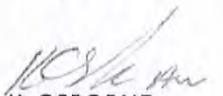
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- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

Your mailing does not meet the criteria for confidential correspondence because the return address does not include the name and title of a specific attorney and could not be verified in the State Bar. Your mailing was processed as non-confidential and forwarded to the inmate along with a copy of this memorandum.

Any future mailings that do not comply with the criteria for confidential mail as stated in the CCR, Title 15, Sections 3141 and 3143, will be deemed non-confidential and are subject to being examined in their entirety.

Should you have any questions or concerns, please contact T. Rogde, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,


K. OSBORNE
Associate Warden
Business Services

cc: T. Rogde

-59-

Appellate Defenders, Inc.
555 W. Beech Street • Suite 300
San Diego, CA 92101

Hasler
11/05/2018
US POSTAGE \$000.47
FIRST-CLASS MAIL
ZIP 92101
011E11671315

NON-CONFIDENTIAL
PER CALIF. ADMIN.
CODE 3141-3143

Does Not Meet The Criteria For "CONFIDENTIAL MAIL"

CAL
B3-109

NOV 13 2018

LAW OFFICES
MARKS & BROOKLIER
A PROFESSIONAL CORPORATION
10100 SANTA MONICA BOULEVARD
SUITE 300
LOS ANGELES, CALIFORNIA 90067

60-

US POSTAGE
FIRST-CLASS
062S-69/370906
90067
\$0.470
582947.130

Does Not Meet The Criteria For "CONFIDENTIAL MAIL"

NON-CONFIDENTIAL
PER CALIF. ADMIN.
CODE 3141-3143

C2-133

NOV 13 2018

ATTORNEY-CLIENT PRIVILEGED
CHARLES R. CATHY
V-39913-B-109
PELICAN BAY STATE PRISON
P.O. BOX 7500
CRESCENT CITY, CA 95532

CAL

95532-

LAW OFFICES

MARKS & BROOKLIER

A PROFESSIONAL CORPORATION

10100 SANTA MONICA BOULEVARD

SUITE 300

LOS ANGELES, CALIFORNIA 90067

www.marksandbrooklier.com

TELEPHONE

(310) 273-7166

(310) 772-2287

FAX (424) 313-1408

DONALD B. MARKS
ANTHONY P. BROOKLIER
(1946 - 2016)

November 5, 2018

Attorney-Client Privileged:

Charles R. Cathy
V-39913-B-109
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Re: Charles R. Cathy, CDC #V-39913

Dear Mr. Cathy,

This will acknowledge receipt of your letter regarding your case.

I spoke to your wife who informed me that I should contact you concerning our possible representation of you in this matter.

Ordinarily, because we do not know of the potential issues you may have in seeking post-conviction relief, we require a flat fee retainer of \$10,000.00 to review the record, research the issues and determine whether there are one or more arguments that can be made on your behalf in habeas proceedings.

Let me know how you want to proceed.

Thank you.

Very truly yours,

MARKS & BROOKLIER, APC


DONALD B. MARKS

-61-

DIVISION OF ADULT INSTITUTIONS
PELICAN BAY STATE PRISON
P.O. Box 7000
Crescent City, CA 95532



November 14, 2018

Appellate Defenders, Inc
555 W. Beech Street, Suite 300
San Diego, CA 92101

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

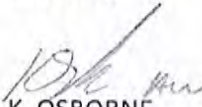
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- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

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Should you have any questions or concerns, please contact T. Rogde, Procurement and Services Officer II, Procurement, at (707) 465-9030.

Sincerely,


K. OSBORNE
Associate Warden
Business Services

cc: T. Rogde

- 62 -

APPELLATE DEFENDERS, INC.

555 WEST BEECH STREET
SUITE 300
SAN DIEGO, CA 92101-2969

(619) 696-0282

Automated Attendant: (619) 696-0284

November 5, 2018

Charles R. Cathy, V39913
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

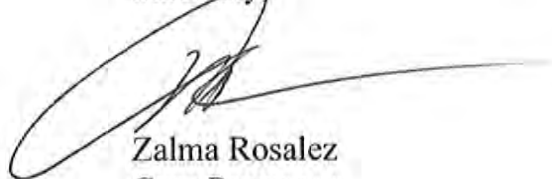
Re: Los Angeles County Case No. NA058508
Appeal No. B250157

Dear Mr. Cathy:

Appellate Defenders received your letter asking for help with your case. This office only administers appeals from the Fourth Appellate District which encompasses all counties south of, but not, Los Angeles. The counties include San Diego, Imperial, Riverside, San Bernardino, Orange and Inyo. Since your case is from Los Angeles County which is in the Second Appellate District, this office cannot help you.

The office of the California Appellate Project (CAP-LA), 520 S. Grand Ave., Fourth Floor, Los Angeles, CA 90071 administers Los Angeles County appeals and may be able to review your matter. You can contact CAP-LA for further information. Note that your letter has been forwarded to CAP-LA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zalma Rosalez', with a long horizontal flourish extending to the right.

Zalma Rosalez
Case Processor

cc: CAP-LA

CHRISTOPHER J. CANNON
SCOTT A. SUGARMAN

SUGARMAN & CANNON
ATTORNEYS AT LAW
737 TEHAMA STREET, #3
SAN FRANCISCO, CALIFORNIA 94103
(415) 362-6252
FAX (415) 362-6431

CONFIDENTIAL: ATTORNEY-CLIENT CORRESPONDENCE

April 2, 2018

Mr. Charles Cathy
V-39913
Pelican Bay SP B-109
Box 7500
Crescent City, Ca. 95532

Dear Mr. Cathy:

You recently wrote to me regarding retaining me to represent you in connection with, I think, an appeal. I called Robin Cathy, and she suggested that I write to you. She said she had many documents regarding your case but did not understand what you wanted at this time.

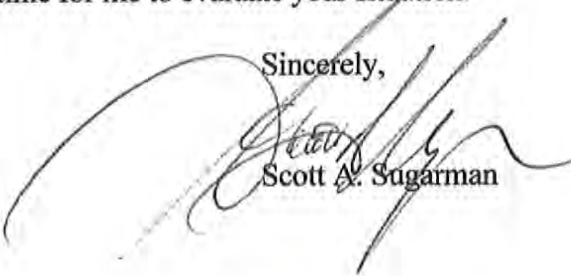
I do not understand your current situation. Some basic facts would help me:

1. When were you convicted, in what court and what was your sentence?
2. Did you appeal and if so, what was the result? When did you appeal?
3. Have you filed a habeas corpus petition in a California court or federal court, and if so, when and what happened?

What do you want an attorney to do now? I explained to Robin that I can review the records you have to see what I might do – I would charge \$450 an hour for my time, my normal billing rate, and then communicate with you about what you may or may not do. I do not know the volume of records you have, and that will determine how much money I would need Robin to deposit in my trust account. You have to decide if you want to spend those funds.

Let me know if you want to proceed further. However, I cannot advise you what future legal action you might take until I understand your situation and what you have done so far, and you have to be willing to pay for my time for me to evaluate your situation.

Sincerely,



Scott A. Sugarman

-64-

KEKER
VAN NEST
& PETERS

Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111-1809
415 391 5400
keker.com

Justina Sessions
jsessions@keker.com

April 11, 2018

Charles R. Cathy
V-39913
Pelican Bay State Prison
P. O. Box 7500
Crescent City, CA 95532-7000

Re: Your Letter Received March 22, 2018

Dear Mr. Cathy:

Thank you for writing to us about your case. Unfortunately, we cannot represent you on your case. The State Bar of California's Lawyer Referral Services Program may be able to provide assistance. That organization can be reached at:

Lawyer Referral Services Program (LRS)
The State Bar of California
180 Howard Street
San Francisco, CA 94105
e-mail: LRS@calbar.ca.gov
Phone: 415-538-2250

Very truly yours,


Justina Sessions

JS:jas

-65-

EXHIBIT COVER PAGE

D

DESCRIPTION OF THIS EXHIBIT : LITIGATION
COORDINATOR W. REYNOLDS. (P.B.S.P)

NUMBER OF PAGES TO THIS EXHIBIT: 1

-66-

STATE OF CALIFORNIA

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PBSP
Facility B, Unit 3

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) CATHY, CHARLES R.	(FIRST NAME)	CDC NUMBER: V-39913	SIGNATURE: Charles Ray Cathy
HOUSING/BED NUMBER: B3-109	ASSIGNMENT: _____	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): LEGAL CONCERNS

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I WAS NOTIFIED BY MY ATTORNEY JULIA M. YOUNG THAT SHE WOULD SPEAK TO YOU CONCERNING THE MANY PRISONERS RIGHTS VIOLATIONS BEING PURSUED BY MY 602 FILINGS. I HAVE RECENTLY SENT YOU SEVERAL CDCR 22'S MAKING YOU AWARE OF THESE VIOLATIONS AND TO DATE YOU HAVE NOT RESPONDED TO THEM. PLEASE REFER TO PBSP-18-02607, PBSP-18-02766, AND PBSP-18-01753 FOR FURTHER DETAILS.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: **LITIGATION COORDINATOR REYNOLDS**DATE MAILED: **10.28.18**☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: % A. Conrad	DATE: 10.28.18	SIGNATURE: [Signature]	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: REYNOLDS, W	DATE: 11/6/18	SIGNATURE: [Signature]	DATE RETURNED: 11/6/18
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IT IS UNCLEAR TO ME WHAT YOU ARE REQUESTING.

I haven't received a CDCR 22 from you since 11/19/17, to which I replied.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
------------	-----------------

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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-67-

EXHIBIT COVER PAGE

4 4
E

DESCRIPTION OF THIS EXHIBIT : INMATE/
PAROLEE REQUEST 22'S FORMS SENT
AND RESPONDED TO BY MAILROOM OFFICIALS.

NUMBER OF PAGES TO THIS EXHIBIT: 7

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
CATHY, CHARLES		V-39913	Charles Cathy
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM — TO —	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
B3-109			MISSING NEWSPAPER

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I HAVE YET TO RECEIVE MY U.S.A TODAY NEWSPAPER DATED 7/10/17. THIS IS STARTING TO OCCUR ON A FREQUENT BASIS. WHY DIDN'T THAT NEWSPAPER GET TO ME? THE NEWS-PAPER COMPANY IS REPORTING THROUGH THEIR RECORDS THAT THE NEWSPAPER WAS SENT HERE 7/10/17.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: MAILROOM DATE MAILED: 7/18/17
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF?
M. Rod	7-17-17	[Signature]	(CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY:	
Mail room	7-18-17	(CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
L. Hallor	7/25/17	[Signature]	7/25/17

No Cathy Magazines and Publications are put into mailbag every day. If your publishing company has put your magazines it is put into the bag for delivery. If they don't it must take an extra day or so to house the mail.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

-69-

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
CATHY	CHARLES	V-39913	Charles Cathy
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
B3-109	LIBRARY WORKER	7:00 TO 3:00	CDCR 1819 NOTIFICATION

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:
ON 8/30/17 I RECEIVED A CDCR 1819 NOTIFICATION THAT WAS INACCURATE AND INCOMPLETE. THIS MISCONDUCT IS IN VIOLATION OF THE STATE LAW AND FEDERAL LAWS AS IT RELATES TO U.S. MAIL. MAILROOM OFFICIALS HERE AT P.B.S.P HAVE BEEN TAMPERING AND PREVENTING MY MAIL FROM REACHING ME. ALSO TO SUPPORT MY CLAIM ATTORNEY GENERAL TIFFANY JOHNSON HAS NOTIFIED ME AND SENT ME A COPY OF THE RETURN-TO-SENDER OF HER LEGAL MAIL TO ME. THE 1819 WAS AUTHORED BY C. PARRY.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: MAILROOM SERGEANT DATE MAILED: 9/1/17
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
D. Ewing LTA	8SEP17	M. Ewing LTA	(2) NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	
(SSG) To: Mail Room Sergeant	8SEP17	(2) BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
L. Hallock	9/11/17	L. Hallock	9/11/17

Mr. Cathy, Your returned your letter to the other person September 7, 2017. Mailroom is not authorized to send 1819 mail to you.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

Why is my LEGAL MAIL BEING RETURNED TO-SENDER THE D.A.G NOTIFIED ME THAT HER MAIL TO ME WAS BEING RETURNED TO HER. (SEE ATTACHED DOCUMENT) YOU FAILED TO ANSWER THAT IN MY ABOVE INITIAL STATEMENT OF FACTS.

SIGNATURE:	DATE SUBMITTED:
Charles Ray Cathy	9/13/17

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
K. Kuzmich	9/14/17	[Signature]	9/15/17

Mr. Cathy, After speaking with the Appeals office, the appeal log # that you gave is not assigned to you and they informed me that you do not have a pending mail appeal. The "Return to Sender" legal mail from Tiffany Johnson DAG that piece of mail was not returned to sender by us. I called the local Post Office and they said when it was received by them there was not enough postage so they processed it as a Return to sender. That marking on the envelope does not belong to the PBSF Mailroom.

-70-

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

PBSP DEPARTMENT OF CORRECTIONS AND REHABILITATION
Facility B, Unit 3

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME) CATHY, CHARLES R.	CDC NUMBER: V-39913	SIGNATURE: <i>Charles Ray Cathy</i>
HOUSING/BED NUMBER: B3-109	ASSIGNMENT: _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): "CENSORSHIP" LEGAL
HOURS FROM _____ TO _____		

PLEASE STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I WAS NOTIFIED BY A PERSON WHO I SPOKE TO ON THE PHONE THAT THEY SENT ME A LETTER (DECLARATION) INSIDE A WHITE MANILLA ENVELOPE THAT IVE NOW BEEN WAITING ON FOR 3 WEEKS TO BE DELIVERED TO ME BY P.B.S.P MAILROOM. WE BELIEVE THAT ITS BEING WITHHELD BY SOMEONE WITHIN THE MAILROOM BASED ON THE CONTENTS OF THE ENVELOPE. (LEGAL DECLARATION) THIS IS NOT THE FIRST NOR SECOND TIME THAT THIS HAS HAPPEND TO ME BY MAILROOM OFFICIALS HERE AT P.B.S.P.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: **MAIL ROOM STAFF** DATE MAILED: **11/13/17**
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: M. CONTRERAS	DATE: 11-12-17	SIGNATURE: <i>[Signature]</i>	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED: PBSP	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

Facility B, Unit 3

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: M.S.	DATE: 11/15/17	SIGNATURE: M.S.	DATE RETURNED: 11/15/17
---------------------------------------	--------------------------	---------------------------	-----------------------------------

The mail room does not have anything on hold for you. IT would be in your unit if it came here. If it was sent by a private party it will be searched and sent to you if no contraband. If sent by a legal lawyer it would be logged and sent in the next day. We are only 2 days behind so you would need to ask the floor cop as the mail room does not have it.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

WHAT IS YOUR LAST NAME? IDENTIFY WHAT THE "S" STANDS FOR SO YOU CAN BE NAMED IN A G02 COMPLAINT THAT IS BEING FILED ON YOU.

SECTION B: STAFF RESPONSE **M.S.**

SIGNATURE: <i>Charles Ray Cathy</i>	DATE SUBMITTED: 11/15/17
--	------------------------------------

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME): K. Kozmic	DATE: 11/28/17	SIGNATURE: <i>[Signature]</i>	DATE RETURNED: 11/30/17
--	--------------------------	----------------------------------	-----------------------------------

Mr. Cathy, I went and personally discussed with you in regards to your concerns. You stated that you did receive this letter the day after sending this CDCR 22.

-71-

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

PBSP
Facility B, Unit 3

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) CATHY, CHARLES R.	(FIRST NAME)	CDC NUMBER: V-39913	SIGNATURE: <i>Charles R. Cathy</i>
HOUSING/BED NUMBER: B3-109	ASSIGNMENT: _____	HOURS FROM <u> </u> TO <u> </u>	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): MAIL TAMPERING

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

ON 11/14/17 I RECEIVED MY OUT-GOING U.S. POSTAL MAIL RETURNED TO ME WITH IT BEING REJECTED FOR HAVING AN ALLEGED USED STAMP. THE SIGNATURE ON THE INMATE REQUEST IS "M. S." THIS CRIMINAL IS IN VIOLATION OF FEDERAL LAW. HE OR SHE PEELED THE STAMP PARTIALLY OFF OF MY ENVELOPE AND RETURNED IT TO ME AS SAYING THAT IT WAS USED. YOU CAN TELL BY THE PATTERN OF THE TEAR THAT IT WAS INTENTIONALLY LIFTED BY M. S. AND IT'S NOT A USED STAMP NOR DOES IT HAVE THE U.S. POSTAL STAMP ON IT. I STILL HAVE AS EVIDENCE. ITS ALSO A MAJOR PROBLEM THAT THIS MAILROOM IS HAVING WITH STAFF MISCONDUCT IN THAT MAIL ROOM.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **
☒ SENT THROUGH MAIL: ADDRESSED TO: **MAILROOM SERGEANT** DATE MAILED: **11/14/17**
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: BLAKESLEE	DATE: 11/15/17	SIGNATURE: <i>[Signature]</i>	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
------------------------	-------	------------	----------------

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME): R. Kozmierz	DATE: 11/28/17	SIGNATURE: <i>[Signature]</i>	DATE RETURNED: 11/30/17
--	--------------------------	----------------------------------	-----------------------------------

Mr. Cathy, I went and personally discussed with you in regards to your concerns. I stated to you this was an error on staff and to send this mailing back to the Mailroom and the postage will be covered. You stated you were satisfied with this outcome.

-72-

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
CATHY, CHARLES R.		V-39913	Charles Ray Cathy
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
B3-109			MISCONDUCT/mailroom

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:
ON 11/27/17 I RECEIVED MY NEWSPAPER (U.S.A. TODAY) DATED NOVEMBER 21, 2017 AND INSIDE THE PAGES OF THE FRONT PAGE AND THE SPORTS SECTION ONE OF YOUR STAFF BLEED THEN SMEARED THE BLOOD ON THE PAGES EXPOSING ME TO WHATEVER DISEASES THAT THEY MAY HAVE. I STILL HAVE THE NEWSPAPER AS EVIDENCE AND PROOF TO THIS SICK INDIVIDUALS ACT. ALSO IT CAN BE TESTED TO FIND OUT THE IDENTITY OF THIS PERSON. THIS NEEDS TO BE INVESTIGATED SO I CAN FILE A STAFF COMPLAINT.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: MAILROOM SERGEANT DATE MAILED: 11/27/17
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
B. ZAVATA	11-27-17	B. ZAVATA	
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
R. Kozmiec	11/28/17		11/30/17

Mr. Cathy, I went and personally discussed with you in regards to your concerns. I explained to you that the Mailroom Staff did not bleed blood or any unknown substance on your newspaper.

-73-

PBSF
Facility B, Unit 3

STATE OF CALIFORNIA

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE

CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME) CATHY, CHARLES R.		CDC NUMBER: V-39913	SIGNATURE: <i>Charles R. Cathy</i>
HOUSING/BED NUMBER: B3-109	ASSIGNMENT: _____	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): LEGAL MAIL

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

ON OR AROUND THE MONTH OF APRIL I MAILED OUT A CONFIDENTIAL LEGAL LETTER TO MY ATTORNEY FERRENTINO & ASSOCIATES. ON MAY 16, 2018 I RECEIVED LEGAL MAIL FROM MY ATTORNEY SAYING "OUR OFFICE NEVER RECEIVED THEM" SPEAKING OF MY LETTER TO HIM. SEND ME A COPY OF MY OUT-GOING LEGAL MAIL RECORDED ON MY MAILROOM 119 FOR THE MONTH OF APRIL ADDRESSED TO FERRENTINO 949 S. COAST DRIVE, SUITE 250 COSTA MESA CA. 92626

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: **MAILROOM**DATE MAILED: **5/24/18**☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: LEE	DATE: 5/23/18	SIGNATURE: <i>[Signature]</i>	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE: <i>[Signature]</i>	DATE RETURNED: 5/24/18
------------------------	-------	----------------------------------	----------------------------------

Please attach a Trust withdrawal to receive a photo copy. Each copy is .10\$. We do have one entry of outgoing to Ferrentino, Att At Law, on March 26, 2018.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME) CATHY, CHARLES RAY		CDC NUMBER: V-39913	SIGNATURE: <i>Charles Ray Cathy</i>
HOUSING/BED NUMBER: C2-133	ASSIGNMENT: _____	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): MAIL

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

GOOD DAY TO YOU. SINCE BEING TRANSFERRED HERE FROM P.B.S.P IVE YET TO RECEIVE ANY MAIL OR NEWSPAPERS RE-ROUTED TO ME HERE AT CALIPATRIA. NONE P.B.SP HAS NOT FORWARDED/RE-ROUTED NONE OF MY MAIL TO ME. ONE OF THE BIGGEST ISSUES THAT I WAS HAVING AS WELL AS OTHER PRISONERS WAS: THE MAILROOM TAMPERING, WITHHOLDING, DESTROYING OUR MAIL FROM BEING RECEIVED. PLEASE LOOK INTO AND REPLY. THANKS FOR YOUR PATIENCE AND TIME.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

- ☒ SENT THROUGH MAIL: ADDRESSED TO: **MS. X. BOLDEN OMBUDSMAN OFFICE** DATE MAILED: **11/7/19**
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
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IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL
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SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT COVER PAGE

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F

DESCRIPTION OF THIS EXHIBIT: DEPARTMENT
OF JUSTICE OFFICIAL MS. TIFFANY JOHNSON.

NUMBER OF PAGES TO THIS EXHIBIT: 3



XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE

600 WEST BROADWAY, SUITE 1800
SAN DIEGO, CA 92101
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

Public: (619) 738-9000
Telephone: (619) 738-9535
Facsimile: (619) 645-2581
E-Mail: Tiffany.Johnson@doj.ca.gov

August 18, 2017

Charles Ray Cathy
V-39913
California State Prison - Pelican Bay
P.O. Box 7500
Crescent City, CA 95532

RE: Charles Ray Cathy v. S. McCain, et al.
United States District Court, Southern District of California, Case No. 3:16-cv-01256-
DMS-WVG

Dear Mr. Cathy:

As discussed on the telephone this morning, I am resending the discovery responses that were returned to me for some odd reason. I apologize for that. Please let me know if you have additional problems receiving mail from me. Be well.

Sincerely,

A handwritten signature in black ink, appearing to read "Tiffany Johnson", is written over the typed name.

TIFFANY JOHNSON
Deputy Attorney General

For XAVIER BECERRA
Attorney General

TJ:

SD2016702438
81787037.doc

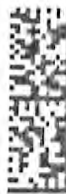
State of California
Department of Justice
OFFICE OF THE ATTORNEY GENERAL
600 West Broadway, Suite 1800
P.O. Box 85266
San Diego, CA 92186-5266

Hasler

07/21/2017

US POSTAGE

\$00.89=



ZIP 92101

011D11649276

ATTORNEY GENERAL
SAN DIEGO

2017 AUG -7 AM 9:49

-- Ray Cathy

Polican Bay

REFUSED BY
ADDRESSEE
POSTAGE DUE

RETURNED TO SENDER

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME) CATHY CHARLES		CDC NUMBER: V-39913	SIGNATURE: <i>Charles Cathy</i>
HOUSING/BED NUMBER: B3-109	ASSIGNMENT: LIBRARY WORKER	HOURS FROM 7:00 TO 3:00	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): CDCR 1819 NOTIFICATION

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

ON 9/30/17 I RECEIVED A CDCR 1819 NOTIFICATION THAT WAS INACCURATE AND INCOMPLETE. THIS MISCONDUCT IS IN VIOLATION OF THE STATE LAW AND FEDERAL LAWS AS IT RELATES TO U.S.P MAIL. MAILROOM OFFICIALS HERE AT P.B.S.P HAVE BEEN TAMPERING AND PREVENTING MY MAIL FROM REACHING ME. ALSO TO SUPPORT MY CLAIM ATTORNEY GENERAL TIEFANY JOHNSON HAS NOTIFIED ME AND SENT ME A COPY OF THE RETURN-TO-SENDER OF HER LEGAL MAIL TO ME. THE 1819 WAS AUTHORED BY C. PARRY.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

- ☒ SENT THROUGH MAIL: ADDRESSED TO: **MAILROOM SERGEANT**
- ☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

DATE MAILED: **9/11/17**

RECEIVED BY: PRINT STAFF NAME: D. Ewing LTA	DATE: 8SEP17	SIGNATURE: <i>M King LTA</i>	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <input checked="" type="radio"/> NO <input type="radio"/>
---	------------------------	---------------------------------	---

IF FORWARDED - TO WHOM: (SSG) To: Mail Room Sergeant	DATE DELIVERED/MAILED: 8SEP17	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input checked="" type="radio"/>
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SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: J. Hallock	DATE: 9/11/17	SIGNATURE: <i>J. Hallock</i>	DATE RETURNED: 9/11/17
---	-------------------------	---------------------------------	----------------------------------

Mr. Cathy, Your returned your letter to the other person. September 7, 2017. Mailroom is not authorized to send 1819 mail to you.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

WHY IS MY LEGAL MAIL BEING RETURNED TO-SENDER THE D.A.G NOTIFIED ME THAT HER MAIL TO ME WAS BEING RETURNED TO HER. (SEE ATTACHED DOCUMENT) YOU FAILED TO ANSWER THAT IN MY ABOVE INITIAL STATEMENT OF FACTS.

SIGNATURE: <i>Charles Ray Cathy</i>	DATE SUBMITTED: 9/13/17
--	-----------------------------------

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT COVER PAGE

G

DESCRIPTION OF THIS EXHIBIT : HUMAN
RIGHTS DEFENSE CENTER, AND PRISON
LEGAL NEWS.

NUMBER OF PAGES TO THIS EXHIBIT: 10



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL ATTORNEY CORRESPONDENCE

June 24, 2015

Re: Prison Legal News – June 2015 Issue

Dear Current PLN Subscriber,

I am writing to you today on behalf of my client, Prison Legal News (PLN). PLN has recently been informed that the delivery of its magazine, *Prison Legal News*, has not been allowed by CDCR staff at various institutions.

The June issue should have been delivered to you on or around June 15, 2015 and I would appreciate it if you could take a moment to let me know whether or not you received it. Also, please let me know if you are missing any other issues of the magazine due to illegal censorship by CDCR staff. I have enclosed a self-addressed stamped envelope herewith for your convenience.

Thank you in advance for your time and assistance in this matter.

Very Truly Yours,

HUMAN RIGHTS DEFENSE CENTER

By: Lance T. Weber
General Counsel

Encl.
LTW:rs

-81-



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL AND PRIVILEGED MAIL

September 17, 2015

Charles Cathy #V39913
Calipatria State Prison - C
PO Box 5006
Calipatria, CA 92233-5006

Dear Mr. Cathy,

Thank you for your response to my June 24, 2015 inquiry. We appreciate you taking the time to write us and for being a loyal reader of PLN. As you know, we are carefully observing the practices of CDCR mailroom staff and are especially interested in facts related to the delivery of PLN and other publications to prisoners. Thank you for the information you provided.

PLN recently sent you a replacement copy of the missing June 2015 issue of *Prison Legal News* and I am writing to follow up with you to see if you received it. The issue was sent out on September 4, 2015 and should have already been delivered to you. I would appreciate it if you could let me know whether or not you received the magazine. I would also like to know if you received your August 2015 issue of PLN as it too should have already been delivered to you. I have enclosed a self-addressed stamped envelope herewith for your convenience in responding.

Again, we kindly thank you for your assistance and continued support of PLN.

Very Truly Yours,
HUMAN RIGHTS DEFENSE CENTER

By: Lance T. Weber
General Counsel

Encl.
LTW:rs

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Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL AND PRIVILEGED LEGAL MAIL

December 12, 2017

Charles Cathy #V39913
Pelican Bay State Prison
PO Box 7500
Crescent City, CA 95532

Dear Mr. Cathy:

I represent *Prison Legal News* (PLN), a project of the Human Rights Defense Center (HRDC). I understand that you are not consistently receiving your monthly issue of PLN and that a book delivery was untimely delayed. I am sorry that you are experiencing frustration with the delivery of your mail.

Regarding any missing or censored issues of PLN, please follow through with the grievance process if you are comfortable in doing so. Please send us any staff response(s) that you may receive. I would appreciate it if you could keep us informed about the delivery of the magazine. I have asked PLN to resend to you the October and November 2017 issues of PLN magazine in a separate envelope. Please let me know if you do not receive them. You have eight (8) remaining issues on your current subscription.

Thanks again for your support of PLN. Please keep me updated as to the delivery of PLN's mail.

Very Truly Yours,

HUMAN RIGHTS DEFENSE CENTER

By: Sabarish P. Neelakanta
General Counsel

SPN:km

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Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL AND PRIVILEGED LEGAL MAIL

January 25, 2018

Charles Cathy, #V39913
Pelican Bay State Prison
B3-109
PO Box 7500
Crescent City, CA 95532

Dear Mr. Cathy:

Thank you for contacting us. As you know, I represent *Prison Legal News* (PLN), a project of the Human Rights Defense Center (HRDC). Your last letter of 1-3-18 has been received. The 2017-18 monthly mailing dates of *Prison Legal News* are itemized below:

<u>Issue of PLN</u>	<u>Date sent</u>
January 2017	1/12/17
February 2017	n/a
March 2017	3/10/17
April 2017	4/07/17
May 2017	5/10/17
June 2017	6/13/17
July 2017	7/07/17
August 2017	7/28/17
September 2017	9/05/17
October 2017	10/11/17
November 2017	11/1/17
December 2017	12/8/17
January 2018	1-4-18 (Est.)

Please be advised that the February 2017 issue was not sent to you as your subscription had lapsed. Currently there are seven (7) issues remaining on your subscription account. I have asked PLN to resend you the December 2017 issue in a separate envelope. Please advise if you do not receive it. It is being mailed to you today. Thanks again for your correspondence and for your continued support of PLN. Please continue to keep us informed about the delivery of PLN's mail.

Very Truly Yours,

HUMAN RIGHTS DEFENSE CENTER

By: Sabarish P. Neelakanta
General Counsel

SPN:km

P.O. Box 1151, Lake Worth, FL 33460
Phone: 561.360.2523 Fax: 866.735.7136
Email: sneelakanta@humanrightsdefensecenter.org

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Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL AND PRIVILEGED LEGAL MAIL

March 29, 2018

Charles Cathy #V39913
Pelican Bay State Prison
PO Box 7500
Crescent City, CA 95532

Re: Complimentary Book

Dear Mr. Cathy,

I represent *Prison Legal News* (PLN), a project of the Human Rights Defense Center (HRDC). HRDC's mission includes educating prisoners through publications sent through the mail, and to ensure delivery we monitor the mail policies and practices at CDCR's facilities.

A book was sent to you two weeks ago, the "*Prisoners' Guerilla Handbook*". Did you get it? If not, did you receive notice that the prison rejected it? If you haven't received the book, please consider filing a grievance about your undelivered mail and send us a copy of your paperwork and staff's response.

Please complete the enclosed survey regarding the above book. I have enclosed a self-addressed stamped envelope for your use in returning the completed survey. I look forward to hearing back from you soon.

Very Truly Yours,

HUMAN RIGHTS DEFENSE CENTER

By: Sabarish P. Neelakanta
General Counsel

SPN/km

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Enclosures

STATE OF CALIFORNIA

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE

CDCR-0022 (10-09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PRSD
Facility B, Unit 3

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
CATHY	CHARLES	V-39913	Charles R. Cathy
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM — TO —	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
B3-109			PRISONERS HANDBOOK SENT BY PRISON LEGAL NEWS

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:
 I JUST RECEIVED NOTIFICATION THAT "PRISON LEGAL NEWS" SENT ME A BOOK
 TITLED "PRISONERS' GUERRILLA HANDBOOK" ON OR AROUND 3/12/18 AND AS OF
 TODAY'S DATE I'VE YET TO RECEIVE THAT BOOK. WHY HAVEN'T I RECEIVED
 AN AUTHORIZED BOOK YET (LEGAL BOOK)? AND IF IT WAS REJECTED WHY
 DIDN'T I RECEIVE A C.D.C.R 1819 NOTIFICATION?
 THIS IS BECOMING A REOCCURRING THEME NOW AS IT RELATES TO
 RECEIVING OUR LEGAL BOOKS. PLEASE RESPOND.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: RECEIVING AND RELEASE OFFICERS DATE MAILED: 4/23/18
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF?
REFUSED TO SIGN.			(CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY:
			(CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
Chandler	4-24-18	Chandler	

R/R Has Not Received Any Book Orders For You in 2018
 You Might Contact The Mail Room. As This is where
 the Books are Received First.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

READ ABOVE AND RESPOND. R/R HAS ALREADY PROVIDED
 AN OFFICIAL RESPONSE TO THE ABOVE.

SENT TO MAILROOM FOR RESPONSE.

SIGNATURE:	DATE SUBMITTED:
Charles Ray Cathy	4/29/18

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

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Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL LEGAL MAIL

October 4, 2018

Charles Cathy V39913
Pelican Bay State Prison
PO Box 7500
Crescent City, CA 95532

Dear Charles Cathy,

I am the General Counsel for the Human Rights Defense Center (HRDC), publisher of *Prison Legal News* and *Criminal Legal News*. As you may be aware, HRDC filed a lawsuit against the governor of California and the California Department of Corrections and Rehabilitation (CDCR) over the censorship of HRDC's mail sent to prisoners. The case is called *Prison Legal News v. Schwarzenegger* and it was resolved by entry of a Settlement Agreement in 2006. The terms of the Agreement require CDCR staff to deliver mail from all publishers and book distributors without undue interference as well as requiring CDCR staff to comply with other conditions. I have summarized the terms of the Settlement Agreement at the end of this letter.

Recently, HRDC has received notice from several prisons run by CDCR that our magazines are being censored due to advertising content. In an attempt to ensure compliance with the terms of the Settlement Agreement and to vindicate the constitutional rights of both prisoners and publishers, we need information directly from customers like you. I have enclosed a survey, which relates to the issues raised in your letters, along with a self-addressed stamped envelope for your convenience in responding. Once we are able to obtain this information, we can address our concerns directly with CDCR and their attorneys.

Thank you for your time, attention, and assistance with this matter. I look forward to hearing back from you and thanks again for your continued support of HRDC.

Very Truly Yours,

Sabarish P. Neelakanta
General Counsel
Human Rights Defense Center

SPN:dm
Enclosures

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Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

CONFIDENTIAL LEGAL MAIL

May 8, 2019

Charles Cathy V39913
Calipatria State Prison - C
PO Box 5006
Calipatria, CA 92233-5006

Dear Charles,

I am the General Counsel for the Human Rights Defense Center (HRDC), publisher of *Prison Legal News* and *Criminal Legal News*. As you may be aware, recently several CDCR facilities began censoring HRDC's magazines due to advertising content. I am happy to announce that on March 7, 2019 CDCR issued a memorandum to all its wardens and mailroom staff clarifying that publications should not be rejected solely on the basis of non-obscene advertisements. A copy of the memorandum is enclosed with this letter.

To ensure that all CDCR staff comply with the memo, we need information directly from prisoners like you. Please let us know if your issues of *Prison Legal News* and *Criminal Legal News* are withheld from you for any reason. Additionally, if you were one of the prisoners who was affected by the recent censorship, please let us know if the magazines that were previously withheld are delivered to you.

Thank you for your time, attention, and assistance with this matter. I look forward to hearing back from you and thanks again for your continued support of HRDC.

Very Truly Yours,

Sabarish P. Neelakanta
General Counsel
Human Rights Defense Center

SPN:dm
Enclosure

-88-

DIVISION OF ADULT INSTITUTIONS

PELICAN BAY STATE PRISON
5905 Lake Earl Drive
P.O. Box 7000
Crescent City, CA 95532



July 9, 2018

Human Rights Defense Center
P.O. Box 1151
Lake Worth, FL 33460

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

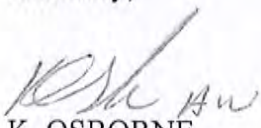
- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

Your mailing does not meet the criteria for confidential correspondence because the return address does not include the name and title of a specific attorney and could not be verified in the State Bar. Your mailing was processed as non-confidential and forwarded to the inmate along with a copy of this memorandum.

Any future mailings that do not comply with the criteria for confidential mail as stated in the CCR, Title 15, Sections 3141 and 3143, will be deemed non-confidential and are subject to being examined in their entirety.

Should you have any questions or concerns, please contact T. Villarreal, Procurement and Services Officer II (A), Procurement, at (707) 465-9030.

Sincerely,


K. OSBORNE
Associate Warden
Business Services

cc: T. Villarreal

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**DIVISION OF ADULT INSTITUTIONS**

PELICAN BAY STATE PRISON
5905 Lake Earl Drive
P.O. Box 7000
Crescent City, CA 95532

July 17, 2018

Human Rights Defense Center
P.O. Box 1151
Lake Worth, FL 33460

Dear Sir or Madam,

This letter is being sent as a courtesy to advise you that your mailing addressed to inmate Cathy, C., CDCR# V39913, housed at Pelican Bay State Prison, does not meet the criteria for confidential correspondence pursuant to the following regulations:

- California Code of Regulations (CCR), Title 15, Section 3141(d), Confidential Correspondence, states in part, *"All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office."*
- CCR, Title 15, Section 3143, Processing Incoming Confidential Mail, states in part, *"Incoming letters must show the name, title, return address, and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."* For example, the title "Attorney at Law" without the name of a specific attorney, or "Law Offices of" followed by the name of the attorney(s), or the name of a law firm is insufficient. The return address on the envelope must include the name and title of the specific attorney.

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Any future mailings that do not comply with the criteria for confidential mail as stated in the CCR, Title 15, Sections 3141 and 3143, will be deemed non-confidential and are subject to being examined in their entirety.

Should you have any questions or concerns, please contact T. Villarreal, Procurement and Services Officer II (A), Procurement, at (707) 465-9030.

Sincerely,


K. OSBORNE

Associate Warden
Business Services

cc: T. Villarreal

-90-

EXHIBIT COVER PAGE

H

DESCRIPTION OF THIS EXHIBIT : MAILROOM
SUPERVISOR R. KUZMICH INMATE/PAROLEE
REQUEST 22's RESPONSES.

NUMBER OF PAGES TO THIS EXHIBIT:

5

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
CATHY, CHARLES R.		V-39913	Charles R. Cathy
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM TO	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
B3-109			MAIL TAMPERING

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW.

ON 11/14/17 I RECEIVED MY OUT-GOING U.S. POSTAL MAIL RETURNED TO ME WITH IT BEING REJECTED FOR HAVING AN ALLEGED USED STAMP. THE SIGNATURE ON THE INMATE REQUEST IS "M. S." THIS CRIMINAL IS IN VIOLATION OF FEDERAL LAW. HE OR SHE PEELED THE STAMP PARTIALLY OFF OF MY ENVELOPE AND RETURNED IT TO ME AS SAYING THAT IT WAS USED. YOU CAN TELL BY THE PATTERN OF THE TEAR THAT IT WAS INTENTIONALLY LIFTED BY M. S. AND IT'S NOT A USED STAMP NOR DOES IT HAVE THE U.S. POSTAL STAMP ON IT. I STILL HAVE AS EVIDENCE. ITS ALSO A MAJOR PROBLEM THAT THIS MAILROOM IS HAVING WITH STAFF MISCONDUCT IN THAT MAIL ROOM.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX)

NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED

☐ SENT THROUGH MAIL: ADDRESSED TO:

MAILROOM SERGEANT

DATE MAILED: 11/14/17

☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
BLAKESLEE	11/15/17		

IF FORWARDED - TO WHOM:

DATE DELIVERED/MAILED:

METHOD OF DELIVERY:

(CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
K. Kozmierz	11/28/17		11/30/17

Mr. Cathy, I went and personally discussed with you in regards to your concerns. I stated to you this was an error on staff and to send this mailing back to the Mailroom, and the postage will be covered. You stated you were satisfied with this outcome.

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STATE OF CALIFORNIA
CA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 11/14/17	TO CATHY	FROM (LAST NAME) M.S. - Mailroom	CDC NUMBER V39913
HOUSING B3	BED NUMBER 109	WORK ASSIGNMENT	JOB NUMBER
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)		FROM	TO
		ASSIGNMENT HOURS	
		FROM	TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

Mr. Cathy,

IT is against The Law to ~~place~~ used Stamps for outgoing mail. You will need to replace it with a new unused Stamp for it to go out.

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY

M.S.

DATE

11/14/17

DISPOSITION

STATE OF CALIFORNIA
DA-22 (8/13)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTION:

DATE 12/3/17	TO MAILROOM ROSIE 'K'	FROM (LAST NAME) CATHY	CDC NUMBER V-39913
HOUSING B3	BED NUMBER 109	WORK ASSIGNMENT NONE PBSP Facility B, Unit 3	JOB NUMBER FROM _____ TO _____
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM _____ TO _____

Use this form for routine questions or requests. Clearly state your reason for your request.
You will be contacted in the near future if the matter cannot be handled by correspondence

ENCLOSED IS THE ENVELOPE WITH THE ATTACHED STAMP. IVE
ALREADY RE-MAILED THE LETTER BECAUSE OF ITS IMPORTANCE
(ADDRESS) AS YOU CAN SEE. SO IF YOU CAN, JUST SEND ME (1) STAMP
IF NOT, THANKS FOR THE DIPLOMATIC WAY THAT YOU HANDLED THIS MATTER

INTERVIEWED BY R. Kuzmick 12/6/17 DATE _____

DISPOSITION
Attached is 1 postal stamp due to staff error.

STATE OF CALIFORNIA
GA-22 (8/13)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 12/21/17	TO ROSIE K	FROM (LAST NAME) CATHY	CDC NUMBER V-39913
HOUSING B3	BED NUMBER 109	WORK ASSIGNMENT NONE	JOB NUMBER FROM # TO #
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM # TO #

Use this form for routine questions or requests. Clearly state your reason for your request.

You will be contacted in the near future if the matter cannot be handled by correspondence

I REMEMBER DISCUSSING WITH YOU THAT MY NEWSPAPERS, MAIL ETC.... WOULD BE UNTAMPERED WITH. EITHER ONE OF YOUR WORKERS IS UNDERMINING YOUR AUTHORITY OR WHAT. I GOT A TOTAL OF "5" BACK DATED NEWSPAPERS TODAY "AND" THREE WERE IN TERRIBLE CONDITION-

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY

DISPOSITION

DATE

R. Kuzmick, 12/27/17: Mr. Cathy, I explained to you that the Mailroom staff are not the only staff who handles your publications. If other staff members are tampering with your publications, that is out of my control. Also, if your publications arrive to PBSP with all your proper information, it goes straight into your buildings mail bag. It does not stay in the Mailroom for any reason. No Mailroom staff reads or tampers with any received publications.

-95-

12-12-17: FRONT PAGE WRINKLED, 12-13-17 FRONT PAGE RIPPED IN HALF,
AND 12-15-17: FRONT PAGE RIPPED IN HALF. PLEASE RESPOND.

Charles Ray Ertz

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) (FIRST NAME) CATHY CHARLES		CDC NUMBER: V-39913	SIGNATURE: <i>Charles Roy Cathy</i>
HOUSING/BED NUMBER: B3-109	ASSIGNMENT: _____	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): MISCONDUCT

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I NEED TO KNOW THE NAMES OF THE MAILROOM STAFF WHO SORT INMATE MAIL. IVE NOW BEEN NOTIFIED 1/25/18 BY PRISON LEGAL NEWS ATTORNEY SABARISH NEELAKANTA THAT THEYVE CONSISTANTLY ON A MONTHLY BASIS BEEN SENDING MY P L N AND IVE NOT RECEIVED THEM ALSO I HAVE OTHER CONCERNS ABOUT MISSING OTHER LITERATURE. I THEREFORE NEED TO KNOW THE NAMES SO THAT I CAN NAME THEM AS DEFENDANTS IN MY 602 FILING.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: **MAILROOM SUPERVISOR ROSIE "K"** DATE MAILED: **1/31/18**
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: <i>KR</i>	DATE: <i>1/31/18</i>	SIGNATURE: <i>[Signature]</i>	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT COVER PAGE

I

DESCRIPTION OF THIS EXHIBIT: SIGNED UNDER
PENALTY OF PERJURY DECLARATION by Robin
CATHY, AND 22 form INQUIRING.

NUMBER OF PAGES TO THIS EXHIBIT: 2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
DECLARATION		CASE NUMBER:

To Whom it may concern:

My name is Robin Cathy. I am writing this statement concerning my husband, Charles R. Cathy CDC # V-39913. There has been an ongoing problem with his mail. I have sent several letters, cards, and certified mail, and they have all been returned to me with unknown reasons. There has also been newspapers and magazines from publishers that Mr. Cathy has also not received. Many of the issues have disappeared, or the ones he did receive had pages missing. These publications were all CDCR approved.

There has also been numerous occasions when I called Pelican Bay State Prison, and the staff were disrespectful, rude, and unwilling to help. There have been times when staff were so rude that they would hang up on me.

I would appreciate your assistance in resolving these matters. Thank you for your immediate attention. Respectfully, Robin Cathy

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 2/9/18

Robin Cathy

(TYPE OR PRINT NAME)

Robin Cathy

(SIGNATURE OF DECLARANT)

-98-

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

EXHIBIT COVER PAGE

J

DESCRIPTION OF THIS EXHIBIT : INSPECTOR
GENERAL'S REPORT AND MEMORANDUM FROM
PRISON OFFICIALS

NUMBER OF PAGES TO THIS EXHIBIT : 2

California's Inspector General Cites Abuses at High Desert State Prison

by Derek Gilna

A SPECIAL REPORT BY ROBERT A. BARTON, Inspector General of the State of California, released in December 2015, highlighted numerous problems at the High Desert State Prison in Susanville. The California Senate Committee on Rules had requested the report to study allegations of excessive use of force against prisoners, the adequacy of internal reviews of excessive force complaints, "protection of inmates from assault and harm by others," and violations of the Americans with Disabilities Act and Rehabilitation Act.

The High Desert facility, located in rural northeast California, has a population of 3,500 high- and medium-security prisoners. Designed to hold 2,300, the prison also has two buildings devoted to those requiring protective custody. The report noted serious, institution-wide deficiencies in internal security procedures as well as a culture of abuse and racism by staff members.

According to the 120-page report there was a "perception of insularity and indifference to inmates," partially due to the prison's isolated location but also as a result of "a labor organization that opposes oversight to the point of actively discouraging members from coming forward with information that could adversely affect another officer."

The report also cited "accounts from both staff and inmates [that] depict a culture of indifference perpetuated by at least some staff. Reports from inmates of appeals being read and destroyed and officers using profanity and derogatory language directed at inmates were corroborated by at least some staff." With most of the prisoners being black or Hispanic and most of the guards white, there were assertions that guards freely used the "N" word.

Problems were also identified with the "sensitive-needs" yards, used to house prisoners at risk from other, more violent prisoners; the yards were found to have as many violent prisoners as the rest of the facility, "with gang politics meting out abuse and punishment for drug and gambling debts and extorting vulnerable inmates for protection."

Another issue addressed by the report was the aggressiveness of the guards' union,

the California Correctional Peace Officers Association, in attempting to suppress any investigation into staff misconduct – which included the CCPOA allegedly telling its members not to speak to investigators unless a union representative was present. The report described such tactics as trying to "find out which staff were telling on others, and what they were saying."

The Inspector General's findings came as no surprise to former California prison

warden Ed Caden, now an attorney, who said the problems at the High Desert facility – and by extension other state prisons – would not be solved without creating "an institutional culture of ethics and professionalism that starts at the very top." ¶

Sources: www.oig.ca.gov, www.sacbee.com, www.latimes.com, "2015 Special Review: High Desert State Prison," CA Office of the Inspector General (Dec. 2015)

State of California Case

L Filed 05/03/17 Page 45 of 78
Youth and Adult Correctional Agency

Memorandum

Date : February 17, 2004

To : All California Department of Corrections Employees

Subject: ZERO TOLERANCE REGARDING THE "CODE OF SILENCE"

The California Department of Corrections (CDC) is only as strong as the values held by each of its employees, sworn and non-sworn. How we conduct ourselves inside our institutions and in the Central Office is a reflection of those values.

The "Code of Silence" operates to conceal wrongdoing. One employee, operating alone, can foster a Code of Silence. The Code of Silence also arises because of a conspiracy among staff to fail to report violations of policy, or to retaliate against those employees who report wrongdoing. Fostering the Code of Silence includes the failure to act when there is an ethical and professional obligation to do so.

Every time a correctional employee decides not to report wrongdoing, he or she harms our Department and each one of us by violating the public's trust. As members of law enforcement, all Correctional Officers must remain beyond reproach. The public's trust in this Department is also violated by retaliating against, ostracizing, or in anyway undermining those employees who report wrongdoing and/or cooperate during investigations. There is no excuse for fostering a Code of Silence.

Your hard fought efforts to protect the public deserve recognition. Recently, however, the public's trust has been undermined by the operation of a Code of Silence within the CDC. To correct this problem we are taking steps to ensure the Department exemplifies integrity and instills pride. Part of this effort is the immediate implementation of a zero tolerance policy concerning the Code of Silence. We will not tolerate any form of silence as it pertains to misconduct, unethical, or illegal behavior. We also will not tolerate any form of reprisal against employees who report misconduct or unethical behavior, including their stigmatization or isolation.

Each employee is responsible for reporting conduct that violates Department policy. Each supervisor and manager is responsible for creating an environment conducive to these goals. Supervisors are responsible for acquiring information and immediately conveying it to managers. Managers are responsible for taking all appropriate steps upon receipt of such information, including initiating investigations and promptly disciplining all employees who violate departmental policy.

Any employee, regardless of rank, sworn or non-sworn, who fails to report violations of policy or who acts in a manner that fosters the Code of Silence, shall be subject to discipline up to and including termination.



RICHARD RIMMER
Director (A)
California Department of Corrections



RODERICK Q. HICKMAN
Agency Secretary
Youth and Adult Correctional Agency

VERIFICATION

STATE OF CALIFORNIA) CHARLES RAY CATHY U-39413
) s.s. P.O. Box 5005
COUNTY OF IMPERIAL) CALIPATRIA, CALIF. 92233-5005

I, CHARLES R. CATHY DECLARE UNDER PENALTY OF PERJURY THAT: I AM THE PETITIONER IN THE ABOVE ENTITLED ACTION. I HAVE READ THE ATTACHED DOCUMENT(S) AND KNOW THE CONTENTS THEREOF AND THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO MATTER STATED THEREIN UPON INFORMATION AND BELIEF AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 29 DAY OF August, 2019 AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002.

SIGNED BY, Charles Ray Cathy (DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

I, CHARLES R. CATHY AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER EIGHTEEN (18) YEARS OF AGE AND AM NOT A PARTY OF THE ABOVE ENTITLED ACTION. MY STATE PRISON ADDRESS IS P.O. BOX 5002, CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002.

ON 8/29, 2019, I SERVED THE ATTACHED:

ON THE PARTY(S) HEREIN AS ADDRESSED BELOW BY PLACING A TRUE COPY THEREOF, ENCLOSED IN A SEALED ENVELOPE(S) WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT CALIPATRIA STATE PRISON:

U.S. Courthouse
450 GOLDEN GATE AVE
SAN FRANCISCO, CALIF.
94102-3483

ENCLOSED ALSO IS A MONEY ORDER
IN THE AMOUNT OF 400.00 TO COVER
THIS LAWSUIT FILING FEE, 1993
LAWSUIT, NORTHERN DISTRICT.

THERE IS DELIVERY SERVICE BY UNITED STATE MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THAT ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THE FORGOING IS TRUE AND CORRECT.

DATE 8/29, 2019 Charles Ray Cathy
DECLARANT / PRISONER